



# LEGISLATIVE ASSEMBLY DEBATES

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WEDNESDAY, 11th APRIL, 1934

Vol. IV—No. 9

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# LEGISLATIVE ASSEMBLY.

*Wednesday, 11th April, 1934.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Shanmukham Chetty) in the Chair

## QUESTIONS AND ANSWERS

### PROMOTION OF DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS

681. **\*Mr. B. V. Jadhav:** (a) Will Government please state what criteria are followed in selecting a Deputy Assistant Controller of Military Accounts for promotion to the superior service of the Military Accounts Department?

(b) Will Government please state whether these criteria have been strictly followed in the cases of Messrs S J Farmer and M. L. Mehra, recently promoted to the superior service of the Military Accounts Department?

(c) Is it a fact that the position of these two officers was about the 60th and 70th, respectively, on the roster of Deputy Assistant Controllers prior to their promotion?

(d) Will Government please state the total period for which they held the appointments of Deputy Assistant Controllers permanently prior to their promotion?

(e) Will Government please state how many times they were recommended for such promotion and by whom?

(f) Will Government please state whether the approval of the Honourable the Finance Member was obtained to their promotion? If so, were the facts regarding their low position on the roster and were their short period of permanent service as Deputy Assistant Controllers placed before him? If not, why not?

(g) Will Government please state whether the reasons for their selection over the heads of about 50 officers were also explained to the Honourable the Finance Member? If so, will Government please state those reasons? If not, why not?

(h) Will Government please state whether the men senior to Messrs. S J Farmer and M L Mehra were ever given a trial for such promotion and were found unfit? If not, why was none of them selected for promotion?

**The Honourable Sir George Schuster:** (a) Apart from professional capacity, consideration is given to character and personality. It would be difficult to give an exhaustive list, but among the qualities to be looked for in the officer selected for promotion are energy, initiative, tact and generally, the capacity to handle men and to hold his own with those with whom he will be called upon to deal

[Mr. Muhammad Azhar Ali.]

France (A Voice: "Belgium particularly") and as my Honourable friend, Mr. Mitra, says, Belgium particularly, we shall be proud of saving the Indian princes. But by what method? Not by cutting our own noses and giving up our rights even, simply to protect the unconstitutional condition of these States. My aim—and it is also the aim of my Honourable friend who has moved the amendment—is not to oppose this Bill. We cannot oppose it now, it has been passed practically, but it is only to put a rider to the Bill to protect the interests of British Indians that this amendment is being moved. I support the amendment of Mr. Joshi.

**Khan Bahadur H. M. Wilayatullah** (Central Provinces: Muhammadan): Sir, the amendment proposed by my Honourable friend, Mr. Joshi, does not seem to me to be one which could be adopted without redrafting the whole of the Bill. This amendment says:

"Nothing in this Act shall be deemed to authorise any action under this Act in the interest of any State which is not declared by the Governor General in Council as possessing a properly constituted Representative Legislature."

Perhaps we shall have to add a clause in order to define what a properly constituted Representative Legislature is, and the present constitutions of the Indian States will have to be examined in the light of that definition in order to find out to which States the protection given by this Bill will apply and to which States it will not apply.

Sir, a great deal has been said in favour of and also against the provisions of this Bill. I have not been able to understand one thing. The whole question is that the rulers of Indian States are to be protected against vilification, in British India, of themselves or their administrations. Reciprocity, according to me, means that Indian States cannot similarly go on indulging in vilification of British Indian administration in British India. Supposing we allow criticism to go on which is done for the purpose of blackmailing or with the object of creating hatred, contempt or disaffection towards an Indian State, what would be the effect if an Indian State allowed an organisation of the same kind to exist within its own territory carrying on its activities against the British Indian administration in British India? Perhaps the ruler would be in danger of losing his position on the *qadi*, and it cannot be said what other consequences there would be. I think that in fairness we in British India should not allow improper criticism of the administration of Indian States with the object of creating hatred, contempt or disaffection. If anybody merely made statements of facts without any malicious intention, it would not come under the purview of this Bill.

I do not quite understand why my Honourable friend, Mr. Joshi, has brought in this amendment. If we adopt this new clause, then, in my opinion, it will be necessary to redraft the whole Bill and it will entail a lengthy process. For this reason, I oppose the amendment.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division: Muhammadan): I rise to support the amendment which has been so ably moved by my Honourable friend, Mr. Joshi. He has given sound arguments, very valid arguments in favour of the amendment. The objection that has just

been raised by my Honourable friend, Khan Bahadur Hafiz Wilayatullah, seems to me to be misconceived. It appears to him that the clauses of the Bill will have to be examined as to which States they will apply and to which States they will not apply, or that they will have to be re-drafted in view of what this amendment says. Nothing of this sort appears to me to be necessary, because very clearly the amendment says:

“Nothing in this Act shall be deemed to authorise any action under this Act in the interest of any State which is not declared by the Governor General in Council as possessing a properly constituted Representative Legislature.”

It does not mean anything more than that the benefit of this Act should be given only to those States which have got a properly constituted Representative Legislature, and, in view of this, there should be no difficulty in the mind of my Honourable friend that this amendment upsets the whole structure of the Bill. I shall only add a few observations of my own in support of my Honourable friend, Mr. Joshi. My experience of the last four or five years since the talk of All-India Federation began, is that the States have found out the inherent difficulty in which they are at the present moment, so far as their administrations are concerned. They feel that they are being dragged in a chariot in which one of the horses is the British Indian Provinces and the other the Indian States. They feel that they cannot go on well with them unless they have some sort of uniformity between the two, and they have been thinking of recasting their administrations to suit the necessities of the times. We have found Kapurthala going so forward in reconstituting the administration of the State. I myself saw the other day the reconstitution of the State of Rampur where a reign of law is going to be established, and all attempts are being made to bring it into conformity with the genuine nature of democratic institutions. There are many things which are sham in the administration of British India, and I do not want that the Indian States should copy the sham part of British India, but only that part of it which is really genuine and helpful to the people of the States.

Now, that tendency which has been growing in the Indian States will suffer in consequence of this Bill. If the Bill makes them realize that, without any change in their administration, they will be protected by the bayonet of the British Government, I do not know what impetus there will be for these States to improve their administration. I cannot think that the Honourable the Home Member would not have considered this aspect of the matter. This amendment of Mr. Joshi wants to extend the protection to those States which are on the road to improvement in their administration. I think, if the Bill is passed without an amendment of this sort or any other compromise that may be arrived at, it will simply put a premium on the inefficiency of the Indian States and they will be secure then in the knowledge that the responsibility will not rest with them. History will throw the whole responsibility on this House which is going to pass this Bill and on the Home Member and the Political Secretary sitting there to pilot this Bill. I, therefore, earnestly appeal to the Members on the Treasury Benches to look to this aspect of the case and arrive at some sort of compromise on the principles which underlie the amendment of my friend, Mr. Joshi.

**Mr. Bhuput Singh** (Bihar and Orissa: Landholders): I rise to support the amendment so ably moved by my Honourable friend, Mr. Joshi. The object of this Bill is to protect the Indian States from scurrilous attacks in the Press against the rulers and their maladministration and also to prevent *jathas*. As regards *jathas*, I think we all agree that there should be some provision to stop them. Now, the amendment proposes that there should be a Responsible Legislature in the Indian States. If the Indian States have got Responsible Legislatures, then the necessity of making any attacks in the Press against the rulers will not arise. So it is incumbent on the Government to see that those States who want protection from the British Government from attacks against them in the Press must have a Responsible Legislature.

Now, I want to place some of the grievances of our own community, the Jain Community, against the Indian States. I think the Government are aware that most of our ancient temples and sacred places of pilgrimage are situated in many of the Indian States. There are Jain temples in Palitana, Bhavnagar State, Jaisalmer State, Jaipur, Udaipur and many other places. Occasions arose when there were interferences by the Indian States in connection with the temples. I may cite the case of Palitana. A few years ago, the State of Palitana imposed a poll tax on all pilgrims going there. Now, as a protest against that, the Jain communities throughout India decided not to go there and if no settlement would be arrived, they wanted to send a *jatha* against the State; but through the efforts of several leading men from our community and the British Government, a settlement was arrived at. As a result, we had to pay Rs. 60,000 a year to the Palitana State, whereas, formerly, we used to pay Rs. 15,000 a year. I might again give a recent example in the Udaipur State. In the temple of Rikhabded, there is a large fund worth several crores and the Rana of Udaipur has taken over all the funds and what guarantee is there that the money may not be squandered, and as a protest against it, our Sacred Saint Shri Shanti Suri Maharaj began his fasting, and, after the lapse of many days of his fasting, the Rana of Udaipur has promised to look into the matter and settle the disputes. I do not know how far this will be successful. If such interference takes place in the Indian States, what remedy we in British India have? We must agitate in the Press against those rulers, and if we are debarred from making any agitation, how are we going to get the redress of our grievances? Will the Government or the Political Secretary give a guarantee that the funds of our temples are not dissipated by the Indian States, but there is no guarantee now. For all these reasons, if the Indian States want protection from attacks in the Press, they must have a Responsible Legislature in the States. Otherwise, they cannot expect any protection against the Press in British India. With these words, I support the amendment of my friend Mr. Joshi.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): I am as anxious as my friends, Mr. Joshi and Maulvi Shafee Daoodi, to see that the administration of the Indian States is improved. I shall indeed be very pleased when I see that properly constituted Legislatures are established in these States; but if we go carefully into it, we shall find that the amendment of my friend, Mr. Joshi, is not only impracticable, but absurd.

In the first place, I doubt very much if this Legislature has got the power to impose any condition upon the administration of the Indian States. I doubt very much if we in this House can pass any law forcing

the Indian States to run their administration in a way we like. Probably this House would be usurping the functions of the Federal Structure Committee if we pass an amendment like this. Then, again, if we admit that a person, or a community, requires protection, is it the duty of the Legislature to see that the character of that person or that community is blameless. Is it the function of the Legislature to see that the person who needs protection and to whom we are giving protection has a character without any black mark at all? If a dacoit or a habitual criminal is assaulted by any person or any offence is committed upon him, will the British Courts of justice refuse to give him the protection of the law, because his own character is full of black marks? I think if we accept that proposition, there will be no justice in this world, and chaos will ensue. You cannot refuse protection even to the most wicked man in this world if he needs protection. You cannot mix the two things. It would be absurd to impose any condition for giving protection by saying that it will be conditional upon the character of the man or the community to which the protection is given. If you admit that, in certain cases, the Administration of an Indian State requires protection, you cannot make it conditional, you cannot impose any condition that that protection will be given only on such and such conditions. Then, again, if you go thoroughly into this amendment, you will find that it will not serve the object which my friend, Mr. Joshi, had in his mind. He says: "which is declared by the Governor General in Council as possessing a properly constituted Representative Legislature" Now, will my Honorable friend, or Maulana Shafee Daoodi, accept any Legislature which is declared by the Governor General as a properly-constituted Legislature? Have we not in this very House heard voices raised many a time demurring to such a proposition? How many times has the representative character of this Assembly itself been challenged? We find that the Congress people in the country do not recognise this Assembly as being a representative institution. Although the Viceroy has been crying from the top of his voice that this is a properly-constituted representative Assembly, still, if you read my friend, the Maulana Sahib's speeches of 1924 and 1925, you will find many passages in his speeches in which he has said that this Assembly was not a properly-constituted Assembly. If such objections can be raised against this Assembly, how will a simple declaration by the Governor General satisfy people, or my friend, Maulana Shafee Daoodi, that the State concerned has got a properly constituted Legislative Assembly and the Act should be applied to it? This is all absurd. Then, what is a representative Assembly? The elected Members of this Assembly were nominated by the Viceroy or the Secretary of State to proceed to London as members of the Round Table Conference. We raised objection in this Assembly that they were not our representatives, that they were not elected by us, and, therefore, we did not recognise them as our representatives. What is the guarantee that if an Assembly is appointed or nominated by the ruler of an Indian State, the people will not say that it is not a properly constituted Assembly, that it does not represent the voice of the people? So many objections would be raised that I think it would make the application of the Act impossible and, therefore, I submit that the amendment which has been moved by my friend, Mr. Joshi, should not be adopted. In the first place, in fact, I doubt very much if this House is capable of discussing this amendment, and, in the second place, after going through the details of the amendment, I find that it is impracticable and absurd, and I oppose it.



**The Honourable Sir Harry Haig** (Home Member): Sir, my Honourable friend, Sir Muhammad Yakub, has put very cogently some of the objections to my Honourable friend, Mr. Joshi's amendment, and I do not wish to repeat them all. My Honourable friend, Mr. Joshi, proposes that the protection of this Bill should be confined to those States which are declared by the Governor General in Council as possessing a properly-constituted Representative Assembly. In effect, my Honourable friend really means that the Government of India should not recognise, as worthy of existence, any Government in any State in India which has not a properly-constituted Representative Assembly. That, I think, is clearly the intention of my Honourable friend, for we are taking by this Bill only what we regard as the minimum powers necessary for the fulfilment of our elementary obligations towards our neighbours and our elementary obligations to maintain the peace of India as a whole—British India as well as the States—and yet my Honourable friend suggests that if an agitation, a dangerous agitation, a revolutionary agitation is directed against a State that has not a Representative Assembly, we are to sit silent and inactive and allow that revolutionary agitation to develop. That is a very drastic proposition. And, after all, on what does my Honourable friend rest his justification for such a sweeping proposition? It is, really, that no Government can be considered a reasonable Government that has not got a Representative Assembly! I seemed to hear, when I listened to Mr. Joshi, a voice of the nineteenth century speaking. At that time people regarded the British Constitution with such unbounded faith and admiration as the only possible Constitution, not only for the British Empire, but for all peoples and all conditions. Well, Sir, I have tried to argue before, in the course of our debates, that there are other forms of Constitution which are not unworthy of our respect, and I maintain that position.

**Mr. N. M. Joshi:** Communism.

**The Honourable Sir Harry Haig:** If the suggestion is that it is only through a Representative Assembly that the grievances of a people can be brought to notice, there, again, I would join issue with my Honourable friend. My Honourable friend, the Political Secretary, has already made it clear that in the Indian States there are facilities, perhaps greater facilities than exist in British India, for people to represent their grievances to their rulers direct, and if that can be done and done in accordance with the traditional ideas of the people, then I do not think there is any necessity for us to force a particular form of representation of grievances through a Representative Assembly upon them.

I do not think I need add anything more. The amendment really strikes at the root principle of our proposals, which is that, in the interests of the peace of India as a whole, we must prevent attempts to overthrow lawfully-constituted Administrations by revolutionary means. Sir, I oppose the amendment. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That after clause 6 of the Bill the following new clause be added—

"7. Nothing in this Act shall be deemed to authorise any action under this Act in the interest of any State which is not declared by the Governor General in Council as possessing a properly constituted Representative Legislature."

The motion was negatived.

**Mr. K. C. Neogy** (Dacca Division. Non-Muhammadian Rural): Sir, I beg to move:|

“That after clause 6 of the Bill the following new clause be added :

‘7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from, the Governor General in Council or the Local Government’.”

This amendment is intended to supply an omission which was due, I take it, to an oversight of the Select Committee. Honourable Members are aware that clause 2 of the Bill, as amended by the Select Committee, has taken the place of a proposal to amend section 121A of the Indian Penal Code, but if we had adopted the original proposal, there would have been no necessity for a specific clause of the character which I propose to be added to this Bill, because, under section 196 of the Criminal Procedure Code, the sanction of the Governor General in Council or the Local Government was a condition precedent to the taking of cognizance of any offence punishable under that section. But, as we have chosen to create an independent offence under clause 2 of the amended Bill, this particular safeguard becomes necessary to be mentioned specifically. I might mention that the language of the clause, as I propose to be added, has been bodily taken from section 196 of the Criminal Procedure Code and that in the States (Protection) Act of 1923 also there is a somewhat similar provision to be found. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Amendment moved:|

“That after clause 6 of the Bill the following new clause be added :

‘7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from, the Governor General in Council or the Local Government’.”

**The Honourable Sir Harry Haig**: Sir, on behalf of Government, I accept the amendment proposed by my Honourable friend, Mr Neogy, for the reasons which he has so clearly explained to the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:|

“That after clause 6 of the Bill the following new clause be added :

‘7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from, the Governor General in Council or the Local Government’.”

The motion was adopted.

New clause 7 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:|

“That clause 1 stand part of the Bill.”

**Maulvi Muhammad Shafee Daoodi:** Sir, I move:

"That after sub-clause (3) of clause 1 of the Bill the following new sub-clause be inserted:

'(4) This Act shall remain in force for a period of two years, but the Governor General may at his discretion, by notification in the Gazette of India, extend the period by another one year'."

Sir, I do not wish to dilate upon this amendment. We have already had so many defeats on this Bill. The object of my amendment is to shorten the period which is fixed as this is the period of repression of British Indian subjects. With that object, I have proposed this amendment. I do not want to say anything more.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Amendment moved:|

"That after sub-clause (3) of clause 1 of the Bill the following new sub-clause be inserted:

'(4) This Act shall remain in force for a period of two years, but the Governor General may at his discretion, by notification in the Gazette of India, extend the period by another one year'."

**The Honourable Sir Harry Haig:** Sir, whatever may be the view eventually taken about the duration of the Press provisions, I think the House will recognise that the conditions we seek to prevent by the other provisions of this Bill, such as, the formation of conspiracies, the organisation of *jathas*, are not temporary conditions, but permanent conditions which must be provided against by a permanent Statute. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:|

"That after sub-clause (3) of clause 1 of the Bill the following new sub-clause be inserted:

'(4) This Act shall remain in force for a period of two years, but the Governor General may at his discretion, by notification in the Gazette of India, extend the period by another one year'."

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:|

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Title and the Preamble stand part of the Bill "

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I have tabled three amendments comprising the same subject, and, so far as the last amendment (No. 7\*) is concerned, I think it is somewhat incomplete, and, therefore, I shall abandon it. With your permission, and if there is no objection, I shall speak upon both of my amendments, Nos. 4 and 6. Sir, I have tabled . . . .

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Honourable Member should first move his amendment.

**Raja Bahadur G. Krishnamachariar**: Sir, I beg to move:

"That in the Preamble of the Bill, before the words 'States in India' the word 'Indian' be inserted, and the words 'which are under the suzerainty of His Majesty' be omitted."

The alternative amendment is:

"That in the Preamble of the Bill, for the words 'which are under the suzerainty of His Majesty' the words 'which are in alliance with His Majesty' be substituted."

Sir, the reason why I tabled these amendments was that in the course of the discussion on the earlier part of the Bill, the Honourable the Law Member, in answer to my question, stated that these words "which are under the suzerainty of His Majesty" do not really mean anything or very much, but they are only used to identify the objection of the protection, that is to say, the person, the individual or the institution which they set out to protect. If that is the only object and if all that the Government desire to do is to identify the person whom they want to protect, then I think they ought to accept straightaway my amendment which says:

"That in the preamble of the Bill, before the words 'States in India' the word 'Indian' be inserted."

I have put in that amendment, because we have always been saying something about the British India and the Indian India, and if the word "Indian" is added there, I think it will amply suffice to identify the institution or the person whom they want to protect.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): What about Nepal?

**Raja Bahadur G. Krishnamachariar**: Nepal is not under the suzerainty of His Majesty the King-Emperor

**An Honourable Member**: Why not?

**Raja Bahadur G. Krishnamachariar**: Because it is not. There is no question of why in that case. Whether this Bill is intended to apply to Nepal or not, I do not know. I am only concerned with the Indian States about which there is absolutely no doubt in the mind of my Honourable friend, the Political Secretary, and also in my own mind and in the mind of the Law Member. So, if your idea is only to identify the persons

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\*"That in the Preamble of the Bill, the word 'suzerainty' be omitted."

[Raja Bahadur G. Krichnamachariar.]

or institutions, simply use the words "Indian States" and you are rid of all the bother. But if you want an elaborate legal phrase with all involved constructions, then say "which are in alliance with His Majesty". Then, Sir, all the difficulties would be solved. But that, I submit, is not the object of the Government. The Government for sometime past had been adding up to the pile of their expressions and legislative enactments which slowly introduced this question of Paramountcy about which they are not yet sure—I say that advisedly—and this is one of those sections by which, although they say, it does not mean anything at all, yet that is their real object. As a matter of fact, in the course of the discussion, the Honourable the Law Member referred us to a definition in the General Clauses Act of the word "India" and he said: "You say now what we said long long ago in 1895. We have already stated what you now object to, and there is no point in your objection". My Honourable friend, Mr. Neogy, with his great and untiring industry, traced the origin of this definition to the Manipur Resolution. He said, in the Manipur case the Government of India had taken a decided stand and he thought the definition of "India" in the General Clauses Act was the result of that decision made by the Government of India. Whatever the reason may be, you see the danger of allowing these sorts of things to go on without a protest. I do not say it would be a successful protest, I do not imagine it would be. I have been asked why I have put forward this amendment, because there is no use in doing so. My answer to that is, "what is the use of this Assembly at all?" Have we been able to succeed in any of our endeavours when the Government have set their faces against us? Therefore, do not put that question to me. No. one is entitled to put that question to me. But the position is, and history supports me in my view, that those who represent the people's cause have not succeeded in a day, they have not succeeded in a year, but slowly and surely time after time they put forward their position and at last a time comes when those who are responsible for the Government of the country will stand up and say: "Is this all you want, we are quite prepared to grant it to you". In order to produce that atmosphere, you must go on speaking and speaking, agitating and agitating, and that, Sir, is my reason for putting this forward.

Another instance that I would cite is what the Honourable the Home Member himself stated with regard to the protection of the Press which the Honourable the Leader of the Opposition pressed with such force, and the Honourable the Home Member in that persuasive manner of his said: "Oh! what does it matter, we had this provision from 1910 to 1922, did you object? No. Then why go and kick against it". That, Sir, is the harm, that is the danger in allowing things to quietly slip into legislative enactments, because, by some irony of fate, they always begin to raise their head at an inconvenient moment, and unfortunately we have got to bow our heads and say: "Yes, it is perfectly true", and then find out if there is any argument at all.

Another thing that this Legislature has done, I mean its predecessor, and which it had been doing for a very long time until in 1902 their eyes were opened to the illegality of their procedure, and that is in connection with the Foreign Jurisdiction and Extradition Act, that used to exist, I believe from 1877 or 1878, I do not remember the exact year. In the olden days, before the Extradition Act was passed in 1903 there was the

Foreign Jurisdiction and Extradition Act. Between 1877 and 1902, for a whole quarter of a century, actions have been taken, proceedings have been instituted and a good many orders have been passed, I am sorry to say, greatly to the prejudice of these Indian princes, when, at last, on a reference made by one of the important States in Southern India, the question had to be referred to the Law Officers of the Crown in England and the Law Officers of the Crown in England said that the Indian Legislature in enacting this had acted *ultra vires*. The Indian Legislature promptly repealed that Act and confined its operations to the Extradition Act alone. I submit it is not in every case that a need appears in an Indian legislative enactment which is good or correct for making a reference to the Law Officers of the Crown every time after the phrase is used by the Indian Legislature. I, therefore, submit that this sort of expression ought not to be allowed to go unchallenged. I need not point out other instances where this Legislature has taken upon itself the right of making declarations which the Privy Council has declared to be *ultra vires*. I can cite so many instances, but I need not do so. The justification for my statement is that the insertion of this phrase is not for the innocent purpose stated by my Honourable friend, the Law Member, but that it is a part of the policy of introducing this question of Paramountcy is quite clear from the speech of the Political Secretary where he stated that he was not concerned with what the position ought to be in the relation of the Indian States with the Government of India, but he addressed himself to stating what is that position and what that accepted position is. May I respectfully ask, who accepted that position? I know that the Government of India state that, they have been stating that over and over again, and because you have repeated it very many times, it does not become correct, and that is the reason why I do not allow you to repeat it without at least a challenge, and that is why I have tabled the amendment and stood up to support it with what material I could and place it before this House.

Now, I come to the speech of my Honourable friend, Mr. Neogy, which, when I read the other day, seemed to be entirely or practically devotely to a criticism of a certain proposition that I had the misfortune to lay before this House. Before I proceed to a few of them—I am not going to deal with the entire lot of them—before I deal with some of them, there is just one observation of his that I am quite in agreement with, that is, international lawyers have not yet succeeded in defining exactly the position of the relation of the Indian States with the Crown or with the Government of India. That is perfectly right for the simple reason that international lawyers whenever they consider this question, go and deal with it upon the only ground that they know of what an international question of law should be, and finding that they could not dove-tail this thing into their own idea, they say, they are at a loss to decide what it is. That is not, I submit, the peculiarity of the lawyers alone. In the scientific field, when Sir Jagadish Chandra Bose started his discoveries, there was a dead set against him: it was the same thing with Sir C. V. Raman when he first made his discoveries, although they were approved of later on in the scientific field. But, in the sphere of international law, there has been no pressure brought to bear upon the Government of India, and they go on writing their resolution, they go on making their declaration. It is nobody's business to controvert it, or, if it was controverted, it was consigned to the waste

[Raja Bahadur G. Krishnamachariar.]

paper basket as coming from a person of whom they were not afraid. So, I submit, Sir, these things have been piling up and the international lawyers, although they occasionally say that it is not an exactly international position, have not been able clearly to locate the position in international law of all these Indian States.

I shall now immediately deal with this right of interference which has been claimed as a portion of an important constituent of the right of Paramountcy. Sir, I make bold to assert that until the Mutiny there has not only not been raised any such claim of the right of interference, but it has been vigorously repudiated. The first is the statement made by the Marquess of Hastings who expressly repudiated any claim of Paramountcy which justified interference in internal affairs. This is what the Governor General in Council said:

"In the second paragraph of your first letter, you say that 'you suppose our interference in the Nizam's affairs to be not merely right but also a duty, arising out of our supremacy in India, which imposes on us the obligation of maintaining the tranquillity of all countries connected with us, and consequently of protecting the people from oppressions, as no less necessary than the guaranteeing of their rulers against revolution'. The assumption of our possessing an universal supremacy in India, involving such rights as you have described, is a mistake. Over States"

—and I want Mr. Neogy's particular attention to this—

"which have, by particular engagements, rendered themselves professedly feudatory, the British Government does exercise supremacy;"

I understand my Honourable friend saying here with some force that there are treaties with Indian princes where they have admitted themselves to be feudatories. I have no quarrel with those persons; if they say they are feudatories, why should I interfere between them and the Paramount Power?:

"but it never has been claimed, and certainly never has been acknowledged in the case of Native Powers standing within the denomination of allies."

And I want also this sentence to be specially noted in justification of my position that the interference by the Government of India is a sort of *zabardusti*:

"Although a virtual supremacy may undoubtedly be said to exist in the British Government from the inability of other States to contend with its strength."

—If you cannot contend with the strength of the British Government and if the British Government want you to do a certain thing, that, in coarse language, is *zabardusti*, and it is forcing your will upon a person who has not got the strength to contend with you—

"the making such a superiority a principle singly sufficient for any exertion of our will would be to misapply and to pervert it to tyrannical purposes."

Then, Lord Dalhousie was equally emphatic. I will not read the whole of it:

"I acknowledge no mission confided to the British Government which imposes on it the obligation, or can confer on it the right, of deciding authoritatively on the existence of independent Native Sovereignities and of arbitrarily setting them aside whenever their administration may not accord with its own views," etc.

Now, Sir, that second pronouncement is by Lord Dalhousie and we have come very near the time of the Mutiny. Unfortunately Lord Dalhousie started this doctrine of lapse. State after State came under his axe and he would not recognise adoption. He said,—and that passage that my Honourable friend, Mr. Ranga Iyer, read the other day summed up the situation,—that adoption cannot confer any right on the ruler to perpetuate his sovereignty; and, therefore, he laid the axe upon State after State. This created such a great confusion that although no historian has yet written that his particular annexation policy is one of the causes of the Indian Mutiny, one can certainly say that it did form what they call a contributory cause of the Indian Mutiny. After the Mutiny had been suppressed, Lord Canning, who was nicknamed Clemency Canning, presented a *sanad* of adoption to these Indian princes. And that has got a little story. The English statesmen were very much perturbed with the result of the annexation policy of Lord Dalhousie and so they advised Lord Canning to present these adoption *sanads* which, I believe, generally secures to the Indian princes the right to adopt and the right to perpetuate their succession. And, curiously enough, they passed these *sanads* to Muhammadan princes also, among whom, as far as I understand the Muhammadan Law, there is no such thing as adoption. That is the trouble; that is the mental state in which they were in order to pacify and satisfy the perturbed minds of these rulers.

Now, I shall submit a little later how this simple incident has been used by a very learned Viceroy of India in order to support his own peculiar theory of Paramountcy. But at the time I may say that it is a matter of history,—unfortunately I have not got the reference here,—that most of these princes declined to receive these *sanads*. But the thing was given to them. Then there was a question of political usage or political practice. With regard to that, I will read one or two passages to show how these political practices come into existence. We all know that in the treaties with the Indian States their right to external sovereignty has been taken away. Now, in order to see that the obligations created by the treaties are being properly worked, they agreed to receive in their Courts ambassadors whom they called Residents. Just listen how this political practice came into existence.

“In our treaties with them (the Indian princes) we recognise them as independent sovereigns. Then we send a Resident to their Courts. Instead of acting in the character of ambassador, he assumes the functions of a dictator, interferes in all their private concerns, countenances refractory subjects against them, and makes the most ostentatious exhibition of this exercise of authority. To secure to himself the support of our Government, he urges some interest which, under the colour thrown upon it by him, is strenuously taken up by our Council; and the Government identifies himself with the Resident not only on the single point but on the whole tenor of his conduct.”

Then, a little later, Sir Charles Metcalfe says that when there is trouble in an Indian State:

“We are not disposed to wait until things settle themselves in their natural course. We think ourselves called on to interfere, and some bungling or unnatural arrangement is made by our will, which because it is our own, we ever after support against the inclination of the people and their notions of right and justice.”

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Chair does not want to interrupt the Honourable Member, but it only wants to remind him that he was a party this morning to the arrangement that this Bill should be finished today and that we have still got the third reading stage.



**Raja Bahadur G. Krishnamachariar:** Do you want me to stop?

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Chair only wants to remind the Honourable Member of that fact, and he can regulate his speech accordingly.

**Raja Bahadur G. Krishnamachariar:** My Honourable friend, Sir I.P.M. Cowasji Johangur, just now asked me to have a sense of proportion. I have never been able to understand what sense of proportion is. So far at least as it emanates from him, I do not thump the table. I do not take up the time of the House in useless discussions. But this is an important matter. I did agree to that arrangement, and, if you want, I shall not speak on the third reading. But this I consider to be a most important amendment which goes to the root of the question, and I think at least some one should stand up and tell the Government of India that, in spite of all their nice words, this is what is at the back of their minds, and, if they want to insist upon their Paramountcy, they should say so straightaway and be done with it, and I shall have no arguments whatsoever. That is my point. I have not spoken for more than 20 minutes now, and I hope I shall be able to finish in another ten minutes and leave it entirely to your pleasure. That is the reason why I have omitted a great deal that I should otherwise have read. I was originally going to take a much longer time than I feel now justified in doing, because of this arrangement that I certainly entered into this morning, and I believe I said that I shall speak for about half an hour and that restriction that I placed upon myself has not yet, so far as I can judge, been exceeded. (Interruption.) I will end with a certain piece of advice to my Honourable friend, Mr. Das, which, I trust, as coming from one who is older than him—and it is only on that qualification that I give it to him—he will listen to in his future accusations against princes.

What I would now submit is this. There is only one important point on which I must dilate and that is this: this Manipur question shortly put is this: the British Government put on the throne of Manipur one Yuvraj, and immediately asked that he should get rid of certain persons; he declined, and, I believe, a man of the name of Quinton went there to bring him back to his senses; then there was a rebellion and somebody was murdered and there was a trial. I will ask the House to read the memorandum of Mano Mohan Ghosh relating to the Manipur case on the appeal of the Manipur prince and what the Government of India did there. They passed a Resolution declaring themselves to be the Judges and they said no one was entitled to question them and there they laid down the extraordinary proposition that in the case of Manipur which I can understand, but in the case of other States also, the British Government's paramountcy cannot be questioned. That has been submitted to a very close analysis by a very distinguished constitutional lawyer, and also by a gentleman of the name of Mr. Keith, and he says that the Government of India had absolutely no right to make that declaration whatsoever. If you will read that passage—I do not want to take up time by reading that passage—you will find it. But my Honourable friend, Mr. Neog, waxed eloquent over the Manipur question; he said:

“In the year 1891, we have already said that you have no international status and we are entitled to deal with you just as we like”

Your own statement in 1891 becomes gospel in the year 1934. That is my complaint and that is the reason why I say these things, not having been objected to at the proper time assume far more importance than probably they are entitled to; and my purpose is to point out that position. Then, it was stated that the assumption by the Queen of imperial dignity shows that these gentlemen have always been relegated to the limbo of something. Not so. In the Queen's Proclamation, there is a distinct provision to show that all treaties entered into with these Indian States will be respected. Consequently, I say that this position either is not supported.

Now, I will only deal with Lord Reading's pronouncement, and I shall close. Up to the administration of Lord Mayo, this condition remained, and then it began slowly to develop the other way. Lord Curzon reduced the level of the Indian princes to departmental agents of the Government of India, and after him came Lord Minto who reversed that policy, and, then, after some time, came Lord Reading; and unfortunately the question of the restitution of the Berars was placed before him. In deciding that question, Lord Reading stated that Paramountcy does not depend upon engagements and treaties; and my Honourable friend, Mr. Ranga Iyer, stated that Paramountcy must be Paramount: I can quite understand it if that sentence can be finished by saying "must be Paramount over all reason". But how does the Paramountcy come into existence? His Excellency Lord Reading relied upon the presentation of that very *sanad* to which I referred a little earlier, as one of the grounds upon which the British Government were entitled to Paramountcy. There is no suzerainty; there is no Paramountcy; the British Government, for reasons of political expediency, have started upon this principle whether they are right or wrong, I do not know; but if you want that this thing should be established, say so in definite terms and be done with it rather than camouflage it in that manner—this does not mean this, and that does not mean that. That is my position and that is the reason why I ask that these words be omitted, because, in the present instance, you may only say that it is a matter of explanation and use the words in ordinary parlance and then be done with it so far as this Bill is concerned. If you raise the question of Paramountcy again, we shall take it up at that time. That is all I have to say.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Amend-  
ment moved:

"That in the Preamble of the Bill, before the words 'States in India' the word 'Indian' be inserted, and the words 'which are under the suzerainty of His Majesty' be omitted."

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, the Raja Bahadur's grievance is that by introducing the words "under the suzerainty of His Majesty" we are in an insidious manner consolidating our position as the Paramount Power. That is the substance of his grievance. I submit it is absolutely unfounded. The Raja Bahadur will pardon me if at the outset I correct some of his inaccuracies. He traced this phrase "under the suzerainty of His Majesty" to some Resolution—the Manipur Resolution or some other—of 1895. Let me remind him . . . . .

**Raja Bahadur G. Krishnamachariar**: I did not say that.

**The Honourable Sir Brojendra Mitter:** Let me remind him that six years before 1895 the Imperial Parliament adopted this phrase and substituted it for the previous phrase "in alliance with His Majesty". In the year 1889, Parliament passed the Interpretation Act, and section 18(5) of that Act defines India. It says :

"The expression India shall mean British India, together with any territories of any native prince or chief under the suzerainty of His Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India."

So this phrase in relation to Indian States was used in the Interpretation Act of 1889. The General Clauses Act of 1897 copied the definition in the Interpretation Act. If I may refer my Honourable friend, the Raja Bahadur, to Ilbert's well known book on the Government of India, he will find the explanation why the change was made. At page 292, Ilbert says :

"India as distinguished from British India includes also the territories of Native States which used to be described in Acts of Parliament as 'the dominions of the Princes and States of India in alliance with His Majesty' or in similar terms. The expression 'suzerainty' is substituted by the Interpretation Act for the older expression 'alliance' as indicating more accurately the relation between the rulers of those States and the British Crown as the paramount authority throughout India. It is a term which is perhaps incapable of precise definition, but which is usefully employed to indicate the political authority exercised by one State over another and approximating more or less closely to complete sovereignty. The territories of the Native States are not part of the dominions of the King, but their subjects are for international purposes in the same position as British subjects."

Sir, I need not quote any more. When we use the expression "under the suzerainty of His Majesty", we are not using it for the purpose of establishing a doubtful title, but we are using it for the purpose of correctly describing the relation between the British Crown and the States in India. Sir, if there be any doubt in this matter, I shall refer my friend to authoritative books on International Law. Sovereignty, Sir, in International Law may mean either complete sovereignty in all matters, or a modified sovereignty, a restricted sovereignty. Sovereignty may be absolute with respect to external affairs as well as to internal affairs. In the case of Indian States, sovereignty does not extend to external affairs, but it is limited to internal affairs,—external affairs being in the hands of the Paramount Power. Sir, I shall read a passage from Holland's book on Jurisprudence :

"The sovereignty of the ruling part has two aspects. It is 'external', as independent of all control from without; 'internal' as paramount over all action within. Austin expresses this its double character by saying that a sovereign power is not in a habit of obedience to any determinate human superior, while it is itself the determinate and common superior to which the bulk of a subject society is in the habit of obedience.

With reference to each kind of sovereignty, questions arise the nature of which must be briefly indicated. External sovereignty, without the possession of which no State is qualified for membership of the family of Nations, is enjoyed most obviously by what is technically known as a 'Simple State', i.e., by one which is 'not bound in a permanent manner to any foreign political body'.

States which are not 'simple' are members of a 'System of States', in which they are combined upon equal or upon unequal terms. In the former case they compose an 'Incorporate Union' such as is the United Kingdom of Great Britain and Ireland, or an 'Etat fédératif', or 'Bundessstaat', such as are the United States of America, the Swiss Confederation or the German Empire. In the latter case the States occupying the inferior position are known as 'misoucrains,' and may be 'protected' like the Republics of Andorre and San-Marino . . ."

After having said that, he goes on to say :

“The external sovereignty of a system of unequally united states is to be looked for equally in the State which is suzerain or protector of the others.”

Now, that is the position,—either absolute sovereignty or limited sovereignty. Sir, no one, not even Raja Bahadur Krishnamachariar will claim that Indian States enjoy absolute sovereignty. That being so, they have a limited sovereignty. If they have a limited sovereignty, then what is the Paramount Power?

**Raja Bahadur G. Krishnamachariar:** The rest was assigned by the princes to the Government which makes all the difference in the world.

**The Honourable Sir Brojendra Mitter:** Whether it is by an agreement or otherwise, the fact remains that the States do not possess external sovereignty, and that external sovereignty is vested in the Paramount Power, and the British Crown is the Paramount Power in India. Sir, I have read from Holland a passage in order to explain the two different kinds of sovereignty. Now, I shall turn to another book on Jurisprudence in which a classification is made. I am showing that the phrase used is the correct phrase describing the position of the States *vis-a-vis* the British Crown. I shall quote a short passage from Salmond's book on Jurisprudence where he has classified the different kinds of sovereignty. At page 548, Salmond says this :

“British India, that is to say, that part of India which is a British Dominion, as opposed to those numerous portions which are still recognised as the territory of protected Indian princes and are therefore in law British protectorates.”

Then he goes on to say :

“With reference to internal sovereignty protectorates are of three kinds :

The first consists of those protectorates over which the Crown exercises external sovereignty only. The internal sovereignty is left wholly to some local Government to which the territory is recognised as still belonging, notwithstanding the fact that as against all other States the territory is regarded as exclusively within British jurisdiction. This is understood, for example, to be the case with the Protected Native States of India. Externally these States are included within the outer boundaries of the British Empire. They possess no international relation to other States. The internal government of these States, however, is solely in the hands of their own native princes. Whatever authority is exercised over them by the Crown is exercised by way of international relationship and diplomacy only, and not by way of constitutional law.”

Sir, my submission is that there is no insidious purpose behind this phrase. This is a well-known phrase adopted by Parliament so far back as 1889. It is repeated in the General Clauses Act, and the Manipur Resolution or any other Resolution has nothing whatever to do with it . . . . .

**Raja Bahadur G. Krishnamachariar:** I did not say that. I think it was Mr. Neogy who referred to it.

**The Honourable Sir Brojendra Mitter:** It has been mentioned in the debate. It is a well recognised phrase which for 45 years got currency and which correctly represents the relation of the Indian States to the British Crown. That being so, the charge of insidious attempt to consolidate Paramountcy is not well-founded. The phrase ought to remain in order to identify and distinguish the States. I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty): At this stage, the Chair would point out to the House the implications of this discussion. This House is not competent to decide either the constitutional or legal relation between the British Crown and any Indian State. This is not the forum for the Government either to establish a claim or to confirm a doubtful one. The phrase used here, "which are under the suzerainty of His Majesty", so far as this House is concerned, has to be considered purely as a descriptive one or a restrictive one if necessary. The object of the Act is to protect the administration of States in India which are under the suzerainty of His Majesty. If there are in India any States which are under the suzerainty of His Majesty, then this Act will apply in relation to the conditions in those States. If in India there are any States which do not come under the suzerainty of His Majesty the King, then this Act will not apply to the conditions existing in those States.

**An Honourable Member:** Such as Nepal

**Mr. President** (The Honourable Sir Shanmukham Chetty): By passing this Bill, this House will not create any new claims for the British Crown, nor will it take away any constitutional or legal rights which any Indian State or prince already possesses. The House must clearly understand that. Therefore, what the Chair wants to point out is that by enacting this measure and by allowing these words to stand if the House so chooses, it does not confer any new right on the British Crown, nor does it take away any existing rights from any Indian State or prince.

**Raja Bahadur G. Krishnamachariar:** Is that your ruling, Sir?

**Mr. President** (The Honourable Sir Shanmukham Chetty): That is the ruling of the Chair.

Honourable Members may remember that a meeting of the Imperial Council of Agricultural Research was to take place this evening at 5-15. The Chair pointed out to the Vice-Chairman of the Imperial Council that, in view of our programme, Honourable Members might probably find it difficult to attend the meeting this evening. On this suggestion of mine, the Vice-Chairman has decided to postpone this meeting, and he has asked the Chair to inform Honourable Members that the postponed meeting will be held later on at a convenient date in Simla.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

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The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Sir Hari Singh Gour:** The Honourable Raja Bahadur raised a question dealing with the problem of suzerainty and he said that the words in the Preamble to the effect that it is expedient to protect the administration of States in India which are under the suzerainty of His Majesty from activities, and so forth, should be deleted. I quite recognise that it is not

for this House to solve the question of suzerainty. At the same time, the legislative enactment enacted by this House is a voice of the Legislature and the Members of this House must understand the meaning of the terms they employ in enacting a measure in their name. Therefore, it would be necessary to inquire into the meaning of the term suzerainty, because, if we were in doubt as to whether any States at all would be affected by this measure, we would not be willing partners to its enactment. It may be that some States are subject to the suzerain authority of the Paramount Power and others are not, but, in that state of doubt, it is necessary for this House to inquire as to what States it is intended to protect, and, in that view, I submit, the question has got to be dealt with, not for the purpose of laying down any novel principle, but for the purpose of understanding what meaning we attach to the phrase used in this enactment. Now, the Honourable the Law Member has pointed out that in the Interpretation Act of 1889, it has been clearly set out by Parliament that the Indian States are to be treated as States under the suzerainty of the British Crown. Now, if I may be permitted to follow that argument further and draw the attention of the House to the enactment of section 33 of the Government of India Act, we will find that that section lays down the following terms:

"Subject to the provisions of this Act and the rules made thereunder the superintendence, direction and control of the civil and military government of India (of India, not of British India) is vested in the Governor General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State."

Now, I submit that the meaning of section 33 is clear. Whatever may be the powers of the Legislative Assembly in respect of measures intended to apply to the Indian States, there can be no doubt whatever that the Governor General in Council are charged with the duty of administering or at any rate of having control of the civil and military Government of India. It has been pointed out by my friend, the Raja Bahadur, that the Indian States, or at any rate, some of them for whom he speaks, may have entered into an alliance with the Crown for the purpose of special protection which is given to them, but I beg to submit that whether it is by conquest or treaty or usage or sufferance, the fact is a fact, namely, that the British Crown is charged with the duty and has incurred the obligation of protecting the Indian States against internal commotion and external aggression that in itself clothes the British Crown with the attribute of suzerainty, because the word "suzerain", means nothing more than an overlordship, lord paramount or protector and I, therefore, submit that the question is not in what manner the British Government has acquired its Paramountcy, but the question rather is whether the Government does, as a matter of fact, exercise the right of Paramountcy, and, as I have submitted, the right of Paramountcy has become inherent in the British Crown by reason of the protection given to the Indian States for nearly a century, if not more.

**Raja Bahadur G. Krishnamachariar:** Even though for money received?

**Sir Hari Singh Gour:** The fact that money is received does not make the British Government the agent of the Indian States. A consideration

[Sir Hari Singh Gour.]

may be received for a certain overlordship for the exercise of a certain feudal right and the discharge of feudal obligations. The question of payment is wholly immaterial. The question that is germane to the present discussion is this—is it or is it not that the British Crown possesses certain rights over the Indian States as regards protection and general superintendence? That, I submit, is the main point in the whole case, and my friend, the Raja Bahadur, cannot deny that fact, that the British Crown does possess those rights and under the Government of India Act, section 33, those rights have been delegated to the Governor General in Council. Therefore, I submit, the question of suzerainty admits of no doubt, nor indeed is it open to any argument. It has been said that the British Crown is in alliance with some of the Indian States, but the mere fact that it is an alliance in which one protects the other and one charges oneself with the obligation to see that there is a certain modicum of good government in the States itself suffices to clothe the superior power with the attribute of suzerainty. Suzerainty means, as I have pointed out, nothing more and nothing less than overlordship, and these are the attributes of overlordship. The Indian States, it is admitted, are not international States. These are States which are protected using that phrase which has been used in several legal and constitutional documents, protected by the British Crown, and, being protected States, the British Crown possesses the suzerain power. That, I submit, cannot be open to any argument on the other side, and I, therefore, submit that when you have put in the Preamble the words objected to by my friend, the Raja Bahadur, those words are to my mind, necessary for the purpose of distinguishing States as are comprised in Act XII of 1932. As Honourable Members will remember, this Act was passed on the 8th April, 1932, to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States, so that, you have, on the one side, foreign States with whom the British Crown is in alliance by treaties; you have, on the other side, a closer nexus between the Indian States and the British Crown in which the attribute of Paramountcy is justly claimed by the British Crown *vis-a-vis* the Indian States. In that view, I submit the language of the Preamble is not open to objection. (Loud Applause.)

**Mr. Sitakanta Mahapatra** (Orissa Division: Non-Muhammadian): Sir, I think it were better if my esteemed friend, the Leader of the Centre Party, had thrown more light with regard to the amendment proposed by him. The Honourable Member, it seems, will be satisfied if a verbal alteration is made in the Preamble. The question raised by him will be better understood if the realities of the situation are cleared up, apart from historical developments. I may very pertinently raise the question in this House—what are we doing by this enactment? Are we not, in the compass of six clauses, extending our protecting hand to the Administrations of these States? The assumptions underlying this legislation are that the States are so many helpless bodies who must be protected from being overawed, from disaffection and contempt from assemblies not in themselves unlawful, and even from emergencies with which we in British India are so familiar as the Holwell's pill of section 144, and, lastly, from civil disobedience of the nature of the recent Indian

situation. Corporate bodies which are in alliance with His Majesty do not care for such laws being enacted in their favour and for their protection.

I consider that historical retrospect is valuable only for those who can stand by their rights. It is only a factor to add to the poignancy of the grief when those rights are being lost. I admit I am not, I cannot be, familiar with the treaty-rights, privileges and dignities of the princes of India. I know that in 1921, when the Chamber of Princes was inaugurated, the King-Emperor's Proclamation was in these terms. Sir, here I will quote from a recent book "The English in India" by Sir John Marriott. The King-Emperor's Proclamation included the following passage:

"In My former Proclamation, I repeated the assurance, given on many occasions by My Royal Predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

But, in December, 1929, the Maharaja of Bikaner, addressing his own Legislative Assembly, said:

"I look forward to the day when a united India will be enjoying Dominion Status under the aegis of the King-Emperor and the Princes and the States will be in the fullest enjoyment of what is their due as a solid federal body in a position of absolute equality"

—mark the words, "absolute equality"—

"with the Federal Provinces of British India."

I do not know of any difference of opinion amongst the princes with regard to this pronouncement.

**Sir Muhammad Yakub:** There is!

**Mr. Sitakanta Mahapatra:** Therefore, I take it that the princes have accepted the position that their States in the future political India would be given their due if they remain equal with the Provinces. The next step in the chain of reasoning is that as a Governor is to a Province, a prince will be to his State—what is a subvention to a Province will be a loan to a State. (Hear, hear.) No doubt it has been recognised that the princes as a whole are passionately attached to the maintenance in its entirety and unimpaired of their individual sovereignty within their States. But thus far and no further. The Simon Commission created the impression when discussing the question of Federation, that the suzerainty of the King-Emperor had been loyally accepted by the princes. Sir, Sir John Marriott is a well-known writer on political philosophy, as his work on States is recognised by our Universities as an authority. This is how he has understood the matter. I am quoting from his book, Sir:

"In view of the geographical unity of the Indian Peninsula, in view of the loyal acceptance of the suzerainty of the King-Emperor, in view of the steady growth of economic unity and of social problems common to India as a whole, above all by reason of the fact that it is only under a federal system that the sentiment underlying the nationalist movement can be given effective expression, the Commissioners "

—that is, the Commissioners of the Simon Commission—

"were driven towards the idea of an All-India Federation."



[Mr. Sitakanta Mahapatra.]

Therefore, I take it that this Preamble is necessary to usher in a new era—a happy augury to complete the picture which was drawn by the Montford Report about the future of India. Sir, here I shall quote a passage from the Montford Report:

“Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest. . . . Over this congeries of States would preside a central government increasingly representative of and responsible to the people of all of them: dealing with matters, both internal and external, of common interest to the whole of India;—(*not British India mark you*)—acting as arbiter in inter-State relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire. In this picture there is a place also for the Native States. Thus far as to the idealistic side. As to the realities, let us not forget that there has been of late much modernisation of these States. We find from the States Committee’s Report that ‘no fewer than 30 of the States have established legislative Councils, most of which are at present invariably of a consultative nature only; 40 have constituted High Courts more or less on British Indian models; 34 have separated executive from judicial functions; 56 have a fixed privy purse; 46 have started a regular graded civil list of officials; and 54 have pension or provident fund schemes’.”

But, in spite of this progressive realisation and up-to-date modernisation, this law has been found necessary. And why? Because we have had recent illustrations in Kashmir and in Alwar of the fact that when the subjects show an unruly attitude or defiance of the authority of the princes under treaty rights, the latter seek British military protection. There is a memorandum published by the authority of the Government of India on the Indian States wherein the Indian States have been described in a tabular form. In that table, there are columns showing Military Forces with sub-columns of regular troops, cavalry, infantry and artillery; irregular troops, cavalry, infantry and artillery; Indian State Forces, cavalry, infantry and artillery; police forces. Then, there are the salutes of guns, permanent, personal, local, and all that. In spite of all this paraphernalia of sovereignty, it has been found necessary to extend our protecting hands to these States by means of this piece of legislation. It must, therefore, be taken for granted that the allies of our Sovereign have in reality acknowledged the suzerainty of His Majesty or His Majesty’s representatives ruling over the destinies of 350 millions in India. Sir, why should we not accept the facts as they are?

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Mr. President, I shall not be very long. I only wish to speak one or two words in connection with amendment No. 6 of Raja Bahadur Krishnamachariar. It seems to me that there is a sort of misunderstanding with regard to the words “alliance” and “sovereignty”. I think, from a layman’s point of view, alliance from the point of view of the International Law is only possible when the two contracting parties are of the status of sovereigns. Students of history must also have heard of words like Triple Alliance and alliances of certain other names. My impression from the reading of this historical aspect is that this alliance is of such a nature that in 1927 the Order of the Princes went over to Simla in a deputation to the Governor General and the Viceroy with regard to the redressing of their grievances and they wanted to know definitely what was their place in the vast picture of this continent. Also, that certain of these Indian States came into being as a result of the downfall of the

Mughal Empire after the death of Aurangzeb, and none of these States ever held any International status, and nearly all of them were subordinate or tributary to the Mughal Empire or to the Mahratta supremacy or the Sikh Kingdom, and some of them were created by the British. If these are historical facts and if some of these States were created by the British Government after the downfall of the Mughals and if some of these States came into being because of certain terms and treaties, then how can their advocates claim equal status for them here? It is absolutely human and natural that if I have any authority over anybody in regard to certain matters, I shall be the last person to go to him and pay him my respects unless I am compelled to do so. These States are sovereign within their territories, but that is nothing much. If there are certain provisions as was quoted by the Leader of the Nationalist Party in section 33 of the Government of India Act, where there is no place found for this order, and, by implication, the Government of India Act of 1919 is for the whole of this country including the Indian States, then the grouse of my friend, the Leader of the Centre Party, is likely to hold very little water. Secondly, even from the cursory reading of the Butler Committee's report—and I do not hold any brief for anybody—it will be manifest and patent to anybody that the princes have out of their own initiative asked the British Government to do many things for them, and the British Government have taken the advantage of their weakness. Therefore, my humble opinion is that the princes have to thank themselves for the position in which they find themselves and nobody else.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Sir Harry Haig.]

**The Honourable Sir Harry Haig**: My Honourable colleague was in charge of this amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty): He has already spoken.

**The Honourable Sir Harry Haig**: I have nothing to add to what my Honourable colleague has already said.]

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Preamble of the Bill, before the words 'States in India' the word 'Indian' be inserted, and the words 'which are under the suzerainty of His Majesty' be omitted."

The motion was negatived.]

**Mr. President** (The Honourable Sir Shanmukham Chetty): Does the Raja Bahadur want to move his amendment No. 6\*?

**Raja Bahadur G. Krishnamachariar**: No; it is the same thing.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Harry Haig**: Sir, I move:

"That the Bill, as amended, be passed."

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\*"That in the Preamble of the Bill, for the words 'which are under the suzerainty of His Majesty' the words 'which are in alliance with His Majesty' be substituted."

**Mr. President** (The Honourable Sir Shanmukham Chetty): Motion moved:|

"That the Bill, as amended, be passed."

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, it is a misnomer to say that the Bill, as amended, be passed, because there are no amendments that have been carried, except the amendment of Mr. Neogy which was only to remove a technical defect. On the other hand, the Bill, as it emerged from the Select Committee, has been passed without any change whatsoever. We have to go back and see whether the Select Committee has so amended the Bill as to remove all the obnoxious provisions in it.

Sir, the Select Committee amended one important provision regarding conspiracies. It is a very good amendment. They have not amended the provision in the Indian Penal Code, but have introduced a separate provision altogether in the form of clause 2 of this Bill, and they have made conspiracies against Indian States a lesser offence. I must say there is no one in this House who will oppose this amendment. I am also sure that there will not be any opposition in this House regarding the provision against *jathas* into the Indian States. In the Select Committee, they have made some verbal alterations, and they will, I am sure, receive the approval of the House. But, Sir, along with these salutary provisions, a very obnoxious provision regarding the press has been added in this Bill. If this Bill had been introduced with only two clauses regarding provision against conspiracies as well as against *jathas*, then it would have passed through this House without much opposition. Along with these provisions they have introduced a most controversial provision regarding the press emergency powers. The Honourable the Home Member has stated that this provision has absolutely nothing to do with the emergency that exists in this country, but at the same time the Bill provides that this provision will come into operation immediately. I shrewdly suspect that this Bill must have been conceived at the time when the emergency existed in this country. The Emergency Powers Act was passed when there was a great emergency in the country. There was the Red Shirt movement in the Frontier, the no-tax movement in the U. P., and the Government at that time passed Ordinances after Ordinances, and eventually they passed this Emergency Powers Act in the wake of these Ordinances embodying the quintessence of the provisions of these Ordinances. Can any one say at this distance of time that any sort of emergency exists in this country and in the Indian States? Sir, that is why I submit that this provision in this Bill is uncalled for and out of date. Again, at the time when the Emergency Powers Act was passed, the Government were pursuing a dual policy, the policy of repression on the one hand, and, at the same time, fashioning the Constitution for Self-Government in this country. But the Home Member wants this House now to extend the same provisions to the Indian States, but at the same time he has not assured us what the Indian States will give in return in the way of giving certain fundamental rights of citizenship to their subjects.

Member after Member from this side of the House has put this question to the Home Member and he was not able to answer this question satisfactorily. Then the Law Member queried in reply to a speech by Sardar Sant Singh that these provisions should be made applicable to any State

where the administration is based upon law. What law the Honourable Member has in mind? We do not expect the States to at once introduce Constitutional Reforms bringing their States up to the standard of the Provinces in India. But this Legislature expects that the Indian States would at least guarantee the rights of citizenship, freedom of speech and freedom to hold meetings and the provision for popular Legislatures. I would refer the Honourable the Law Member to the various speeches made by the Viceroy and Governors General at the banquets in the Indian States and I particularly draw his attention to the speech made by Lord Irwin in the Princes Chamber wherein he clearly states what sort of administration he expects to be established in the Indian States. We do not want anything more, we want that the States should come up to the standard of administration which Lord Irwin envisaged for them. There are a few States no doubt which are being administered very efficiently, for instance, Mysore and Travancore, and they are having popular elected Legislatures, and hence the representatives of the people could ventilate their grievances in their Legislatures. There are other Indian States which have no popular Legislatures, and there is absolutely no way for the States subjects to ventilate their grievances and get them redressed. In those States, the press is gagged, freedom of speech is restricted, public meetings are prohibited except to express a vote of loyalty to their ruler. Such are the conditions that exist in these days, and hence the States subjects have no other alternative except to ventilate their grievances in the neighbouring British territory. But, Sir, the Indian States cannot remain in isolation. There are British subjects who have got business connections with the Indian States, they have got large properties and many close relations, and, with all these connections with the Indian States, it is impossible to expect that they will not ventilate their grievances in any British territory. Sir, it may be asked, why should the Government extend this sort of protection to the Indian States? The Government will say, as the Honourable the Home Member stated, that it is an elementary obligation towards a neighbour that we should extend protection. But, Sir, that is not the only reason. The reason is given in the Preamble itself. The Preamble states "To protect the Administrations of States in India which are under the suzerainty of His Majesty from activities, etc. . . ." Thus, it is as a Paramount Power that the Government of India want to protect the Indian States from any activities promoted in British India. Sir, if it is the duty of a Paramount Power to protect the Indian States from any attacks against the administration of those States, it is also the duty of the Paramount Power to see that there is proper administration maintained in those States. If any authority is necessary to strengthen this proposition, it is to be found in various declarations of the Governors General and Political Agents from time to time. When the Paramount Power wants to extend this protection to the Indian States and wants the Legislature, to help them in passing this Bill, the Legislature can legitimately ask the Government to guarantee the maintenance of proper administration in those States before we pass the Bill.

Then, it has already been pointed out by the Honourable the Home Member that they have introduced a proviso in the clause to  
 3 P.M. provide against any possible abuse of these extensive powers that are given to the Magistrates. He refers to the proviso that has been added in the Select Committee. Sir, yesterday, some amendments were moved

[Mr. T. N. Ramakrishna Reddi.]

to delete some words in this proviso to make it more acceptable, but those reasonable amendments were not accepted by Government. Sir, Government do not see the vital difference that exists between the Governments of the Indian States and that of British India. In British India an offence is described as against some impersonal abstraction called "the administration established by law". But, in the Native States, the Government is a personal Government, and it is a personal rule. That is the most vital difference that exists between these two Governments. I will give an illustration. Year after year we accuse the Government of India for spending large sums on military expenditure. We say that the military expenditure is equal to the whole of the taxed revenues of a particular year and it extends to many crores. Thereby we do not cast any reflection on His Majesty's Government or the Government of India. But if we say the same thing against the administration of an Indian State, the very bare statement of fact brings immediately the prince into hatred or contempt. If we say that a particular prince spent in one European tour as much money as he spends for the total development departments and education in his State, it might be a bare fact, but it is bound to bring the prince into hatred and contempt.

**Sir Muhammad Yakub:** But this Bill deals with the administration and not the person of a prince.

**Mr. T. N. Ramakrishna Reddi:** There is no difference between the administration and the person, because, in some States, there are no budgets. The budgets are not presented before the Assembly and passed. It is a mere personal budget. Supposing it is said that a prince spends as much amount on the marriage of his son as he spends for the police and other civil departments of the State, the publication of that fact brings the prince into hatred and contempt. And, thus, though they have introduced this proviso in the Select Committee, yet it is no protection against any statement in the press of bare facts that exist in the Indian States. Sir, do the States require this protection from these attacks of the Indian press? Many of the well-governed States do not require this protection. It is only those States where misgovernment exists that require this protection from attacks. Thus, you are giving a premium to the maladministration that exists in the Indian States. Sir, Government, while expressing that they want to help the Indian States, are doing a distinct disservice to the Indian States by passing this measure. In the Indian States, the press has been gagged and meetings could not be held, and hence there is no way of expressing their grievances. Hence the people are at present finding an avenue in British Indian territory to ventilate their grievances. But this Bill, if passed into law, prevents any expression of their grievances even in British territory, and thus closes all avenues of expressing their legitimate grievances. Thus the princes will be under a false security that their maladministration will not be exposed. This will ultimately lead to some rebellion and then Government will pounce upon a prince and ask him to abdicate his throne. Therefore, it is really a distinct disservice to the Indian princes.

Sir, lastly, the Honourable the Home Member has stated repeatedly that we should pass this Bill, because we are on the eve of a Federal Government coming into existence, and that we cannot introduce this Federation on the basis of distrust and suspicion. He said we should take the

systems of Government as they exist in the Indian States, and we must stop any movement to subvert those administrations. I think the Honourable the Home Member knows more than any other the weakness of this argument, but his object is to appeal to those Members who are supporters of the Federation for India and thus get their sympathy. But if you analyse this Federation argument, it will not stand for a moment. Sir, it is true that we should not start the Federation on distrust and suspicion, but what about the systems of Government that exist in this country? Hitherto at least the Indian States were existing in isolation, but under the Federation they come into close contact with the other systems of Government that exist in the Indian Provinces. And it will not pave the way for the future Federation to allow Indian Provinces to grow more and more self-governing while allowing the archaic system of Government to exist in the Indian States without trying to bring them up to date. Hereafter, under the Federation, the representatives of the people of the British Indian Provinces and of the Indian States will come into closer and closer contact, and they are bound to feel the inferior position they occupy, and thus it is bound to give rise to some rebellion if their grievances are not redressed. Again, we cannot build a part of the structure of the Federation on the strong foundations of autonomous Provinces of British India deeply rooted in the affections of the people, while part of the structure is laid on the quicksands of autocratic rule where there is distrust among the people and discontent against the Princes. Thus, when once the structure falls, it is not only the weaker portion that will fall, but it will drag along with it the stronger foundations also. If the Federation is to exist and if it is to prosper successfully, it must be based on autonomous Provinces where the people of the States love their rulers and thus strengthen the Federation.

As this provision regarding the Press is also included in this Bill and as this provision will be the last nail in the coffin of the rights and liberties of the subjects of Indian States, I have to oppose this Bill.

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Mr. President, I regret I am not able to support the Bill as it stands. This House has often in the past been asked to support Government in devising measures for dealing with emergent situations in British India, and many of us, in spite of the extreme character of the measures which have been placed before us from time to time, have thought it our duty to enact the necessary legislation. But it is one thing to be asked to support Government when a national emergency faces us in British India. It is quite another thing when we are asked to support what is in effect the cause of misrule in the Indian States. The events of the last few years have demonstrated, if proof were at all necessary, what is going on in some of the larger States in India. Inefficiency, corruption, misrule, every kind and form of misgovernment is going on in those States; and it has to be remembered that for one State, whose affairs are brought to our notice, there are dozens whose misgovernment entirely remains concealed from the public gaze. The Indian States can go on doing what they like so long as they do not raise a communal clash that amounts to a positive public scandal. The rulers of Indian States can appropriate as much as they want of the public revenues; they can set up a judicial system which is a mockery; they can starve nation-building activities like education and sanitation; they can put into prison law-abiding citizens

[Mr. H. P. Mody.]

without trial; they can do all and anyone of these things without the least question being raised. It is only when their subjects rise up in some sort of insurrection or when a scandal of the first magnitude is brought to light that the affairs of the Indian State receive attention from the Government of India. If this is the position in the larger Indian States, God and the Political Agents alone know what is going on in the smaller states . . . .

**Mr. F. E. James** (Madras: European): May I ask my Honourable friend one question? Does he make that a general charge against the larger Indian States? That is in effect what he has been saying.

**Mr. H. P. Mody:** What I say is that the affairs of so many States have come to light in recent years that we are entitled to assume that there is a great deal of corruption, inefficiency and misrule. Of course, there are model States, and all honour to them; there are a great many model States even among the smaller States; I say, all honour to them; but there is no question about it that amongst the six hundred and odd States that exist in this country, there are a good many whose administration cannot bear to see the light of day. If that is the position, then what can be the possible remedy for the subjects of those States? They have nothing like a press which is worthy of the name. I do not know—I read it in the papers the other day that the Honourable the Home Member said there were something like 200 papers in the Indian States. I will add 200 more for luck and make it 400 . . . .

**The Honourable Sir Harry Haig:** My Honourable friend, the Political Secretary, said that.

**Mr. H. P. Mody:** I say, I will add another 200 to the number given by my Honourable friend, the Political Secretary, and make it 400. Are these newspapers ever allowed to raise their voice against misgovernment in the States? Are they ever allowed to criticise the ruler? Are they ever allowed to expose his personal or his public misdeeds? They would receive very short shrift if they ever attempted anything like that. What, then, is the possible remedy which lies in the hands of the subjects of Indian States, except to agitate through channels which may be regarded as reasonably safe? They are driven to British India. Now, unfortunately, it is a fact that when they are forced to come to British India, it is the smaller newspapers—perhaps the less reputable papers—to whom they are driven to seek redress. Unfortunately, the larger newspapers do not permit criticisms of any violent character against the administration of Indian States. Therefore, it is that those who want to seek redress against injustice or misrule in the Indian States fall into the hands of the smaller newspapers. But they are not to be blamed on that account. After all, it is some of the princes themselves who have taught the people in British India how to make money out of them. They are paying a section of the press to write up nice treatises about their administration reports; and if the smaller newspapers have started trying to make money out of the

Indian princes, it is because they have seen that certain papers, by write-ups of administration reports of the larger States, are making a deal of money. Thus it is that it has been made possible for a certain amount of blackmail to be exacted. But who is it who has got to fear this blackmail? As has been pointed out several times in the course of this discussion, there are rulers both in the larger States and in the smaller, who have nothing to fear from any criticism, of however gross a character; their whole rule and life are such that scurrilous attacks in the press would leave them absolutely unaffected; I should like to see, for instance, who will raise the finger of scorn against the person of His Highness the Maharaja of Mysore? I venture to think that if such an attempt were made in British India, the subjects of Mysore would be the first to condemn such an attempt; and so it is with many other rulers. Again, take the other extreme; there are people whose gross misrule and personal misconduct are of such an outrageous character that they naturally render themselves liable to these attacks. In their case, again, I say there is nothing to lose; the attacks are inevitable. Nobody thinks any the worse of them, because everybody knows what they are up to, and, therefore, I say that in the case of two classes of Indian rulers there is nothing to fear, namely, those who are model rulers and those whose administration and personal conduct are of such a character that no harm can possibly take place by any libellous or offensive attacks in the press. But, Sir, I am bound to admit that there is a third class of people who cannot come within either of the categories, and in whose case it is palpably unjust that any attempts at blackmail should be made in the public press in British India, because often facts are distorted and served up in such a way as to excite hatred and disaffection; but, Sir, this is a penalty, if I may say so, of greatness. It is a penalty which people similarly situated in other parts of the world have to pay, which public men in British India have to pay. Sir, I could point to some illustrious examples in this connection. I will not mention names, but it is known to the whole world that the highest in the land in the British Empire was slandered for years, no one believed that foul libel, but he thought it necessary to go to a Court of law in order to vindicate a reputation which no decent-minded man ever thought was besmirched, but which he felt it desirable publicly to vindicate. Only a couple of years ago, one of the highest placed ladies in society in Great Britain was forced to repel an attack in the press in a similar way and to vindicate her honour. Why don't the princes drag these papers into a Court of law? The argument has been advanced that there are inordinate delays in law and there is undue publicity. If that argument were held to be good, then abolish your judicial system and substitute for it a much less formal procedure. On such reasoning to say that an enactment of this character is called for is to put it on the weakest possible ground.

Now, Sir, I venture to submit that, in the course of these discussions, it has been amply demonstrated that if there is reasonableness on any side, it is on the side of the non-official Benches, and not on the side of the Government of India. The non-official Benches have shown their sense of responsibility by accepting in part, at any rate, the measure which has been placed before the House. They have readily agreed to safeguard the Indian States against the grosser forms of attacks which are levelled against them from British India, attacks which are levelled both against their



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sovereignty and their administration. We have accepted the clause whereby conspiracies formed in British India could be made punishable by a summary procedure. They have also accepted the position that *jathas* cannot be allowed to march into Indian territories without the machinery of law being set in motion, but they cannot possibly subscribe to the doctrine which is sought to be forced upon them that a situation faces the Indian rulers in their States which makes it necessary for the press in British India to be gagged in this outrageous fashion. I say, Sir, that no case has been made out for the provisions dealing with the press. I think it was my friend, the Law Member, who said that for a conviction it has got to be established that there was an attempt to excite hatred or disaffection. Well, when I criticise the ruler of an Indian State or his administration, I am not doing it for fun. It is certainly my object to hold him up to the contempt of decent-minded people. What is the object of the attack otherwise? In that attack itself is implicit the attempt to excite hatred or disaffection. Nobody for the mere fun of the thing makes an attack; it does not help our digestion in the morning to pen a few vitriolic lines. The attack is made primarily to excite the disaffection or hatred of all decent-minded men, provided, of course, the matter published is based on facts. It is for these reasons that I regard the provisions to gag the press in British India as outrageous, and I for one can never be a party to them.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, in the light of the speech of the Honourable the Home Member about Federation and aims of the Bill at putting down people marching to the States, people collecting themselves into large bodies in British India attacking the States in group processions of *jathas*, such unconstitutional kind of conspiracies should be discouraged. I think every one will be of the opinion that the growth of unhealthy atmosphere should be controlled and legitimately controlled. We are asked in this Bill to treat the princes fairly and not to encourage forces of disruption emanating from British India.

We know what happened in some States when *jathas* proceeded from British India. I think nobody would like that mischievous forces should be organized in British India to proceed in batches to bring down the prestige of the ruler of any State. About those States, which really are *oppressive and misbehaved*, sufficient remedies have been put down in the Bill in the Select Committee which contained such experienced and able persons as the Honourable the Home Member, Sir Harry Haig, Mr. Neogy, Sir Abdur Rahim, and last, but not least, Mr. Anklesaria, a member of our Party. But, Sir, undue restraint in regard to fair criticism of the States is equally not fair. I would ask the princes at the same time to give some facility to the newspaper press in British India to bring them up administratively and constitutionally to the same position as Provinces in British India. But we must confess that there might be a small number of so-called journalists who might have made blackmail their profession and who might be a danger to the development of healthy politics and might be utilising the princes for some ulterior object in some cases. It is very necessary to have some measures of protection to the princes, and blackmailers ought to be stopped. But to protect Indian princes to

the extent that it might be illegal to publish facts which may not be creditable to the Indian States would be going too far.

Sir, we cannot compare British India with an Indian State. We are proud to be able to say that in British India we do not hear of such scandals as we do hear in some Indian States. Sir, it is a common knowledge that the administration of some of the Indian States is corrupt and mismanaged. If the press is not allowed to ventilate just grievances, no publicity can be given to the existing maladministration in such States. A closer co-operation between our British Government and the rulers of Indian States is no doubt requisite for smooth working of the new constitution, for, if there will be no protection of our Government, then these States will be fighting against one another, as, at the beginning of the 18th century, they were doing.

The Honourable the Home Member, in his Statement of Objects and Reasons, has stated:

"Experience in recent years has shown that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India."

This shows that this Bill seeks to amend the Indian Penal Code which, in certain respects, is inadequate for giving that protection which they consider to be reasonable. This I heartily support; but, Sir, when the princes want protection from our Government, they also have to discharge certain obligations to their States and to their States people. I would like to put in a word to the princes that all these artificial protections will avail nothing to them and will prove fruitless. The real protection for them is the progress that they will make in their own States and the contentment of their subjects would be the real protection for them. As a Persian learned poet has said:

*Raiyyat, darakht ast gar parwari  
Ba kam-i-dil-i-dostan bor khuri.*

Or as Tulsi Das, a learned Hindi poet, has said:

*Jasu Raj md prajā dukhāni  
So narip oos adhkari.*

But, Sir, our Government always keep a watch over the administration of these States which, I think, is sufficient, and it is advisable to give protection to every landlord and administrator of the State under our Government, especially when many changes are passing over the face of India and many readjustments have to be made, and much has been considered and scrutinised in the Select Committee under the leadership of the Honourable the Home Member, Sir Harry Haig, and also the Honourable Sir Brojendra Mitter, Leader of the House, has cleared many points in his speech. Amendments have also been discussed and decided, and so I hope that this Bill will be passed into law now.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): I think that the Government of India have introduced this Bill, not to facilitate the entering of the Indian States into the Federation, but because there was trouble in some Indian States and troubles were likely to occur in

[Diwan Bahadur Harbilas Sarda.]

some other States, and Government had certain obligations to those States. In order to fulfil those obligations and to discharge their duty to those States, they found that it was necessary to bring in a measure to enable them to do so. The result is the Bill before the House.

The Bill is styled "A Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty, etc.". I fail to understand why the word "Administrations" has been used in this Bill. The Governments of this country, the Central Government as well as the Provincial Governments or Administrations, are all called Governments. It is only the minor Provinces such as Ajmer, Coorg and Delhi that are called Administrations. All Provincial Administrations are called Governments. I fail to see why the Governments of His Exalted Highness the Nizam, His Highness the Maharana of Udaipur, His Highness the Maharaja of Gwalior and others are not styled Governments, why they are called Administrations, why they have been put on the same level with the minor Provinces of India. That is a matter which I have not been able to understand.

**Sir Cowasji Jehangir** (Bombay City. Non-Muhammadan Urban):  
Because Government wanted to honour Ajmer!

**Diwan Bahadur Harbilas Sarda:** It is true that the word "Government" is used in the Government of India Act in regard to Provincial Administrations, but that is no reason why, in regard to important Indian States, the word "Administration" should be used and not "Government", for, in so far as this Bill is concerned, the word "Administration" is equivalent to "Government". There is absolutely no difference between the word "Government" and the word "Administration" so far as this Bill is concerned. It cannot be said that it is a matter of drafting. It is not a matter of drafting; it is a matter of deliberate use of nomenclature which indicates either the trend of policy or something else and we do not know exactly what that something else is. As, however, this does not affect the merits of the Bill, I only make these remarks and leave the matter there.

The Bill consists of six clauses, and these clauses have already been discussed and the House has passed them. Consequently, I do not propose on the third reading to discuss the merits of those clauses which I would have done had I had an opportunity of discussing them at an earlier reading. The object of the Bill is to restrict the activities of the people of British India with regard to Indian States. That activity may be in a mild form, such as criticism, or it may be in a more violent form, such as direct action, leading *jathas* and actively interfering with the administration of a State. But, Sir, the interference with an Indian State may be by the people of British India as well as by the British Indian Government, and, in this matter, a heavy responsibility rests on the Government of India. The Government of India claim suzerain power, and I do not want to make any distinction just now between the exercise of that power by the Governor General of India, as the head of the Government of India and the Viceroy of India, as agent of the Crown of Great Britain and Ireland. The Government of India have assumed the responsibility of interfering with the Indian States on certain occasions,

and rightly too. That responsibility I regard as a very heavy one, particularly because the Government have taken upon themselves the duty, not only to protect Indian States from foreign aggression, not only to protect Indian princes against internal turmoil and civil rebellion, but they have also undertaken, as we have seen recently, to protect them from the acts of their subjects who want to enforce their just rights. As the Government of India have deprived the subjects of these States of the remedy which they used to have in old times,—readers of history know very well what the subjects of these Indian States in mediaeval times, and before that, used to do in regard to getting their wrongs righted.—we know perfectly well that in the most of the important Rajputana States ruler after ruler was made to abdicate. Even so late as the 18th century, a ruler of one of the Southern States of Rajputana was driven from the throne and compelled to retire. All those remedies are now barred. The door is closed on the activities of the subjects of those States against their rulers. Consequently, a heavy responsibility lies on the Government of India to protect the rights of those subjects, to protect the rights of the people of those States. This responsibility has become particularly heavy, because the Government of India or the British Government rely on the resources of British India to enforce their rights of suzerainty. It is very difficult for me or anybody else to envisage the Viceroy of India as the agent of the Crown apart from the Governor General who is the head or the chief executive authority of the Government of India.

[At the stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

It is difficult to envisage him as an entity completely independent of and isolated from the Government of India and yet possessing certain powers and obligations. If the rights of suzerainty are to be exercised against these Indian States, then that can be done only with the resources of the Government of India. The army, whether British or Indian, in India is maintained by the people of India. The officers, civil and military, are paid for and are servants of the Government of India, and if any prince becomes recalcitrant or when the Government have to enforce their obligations with regard to any particular State, they have to make use of these resources. The Government thereby have certain responsibilities towards the people of British India when they make use of these services which are paid for by the tax-payers of British India. The responsibility of Government is, therefore, twofold. The responsibility of Government is towards the subjects of these Indian States, to protect their just rights and to secure them from the inroads of the princes. At the same time, as the Government of India rely on the resources of British India for enforcing their rights of suzerainty, they have also a responsibility towards the people of British India. How this responsibility can be properly discharged is a matter which we have got to consider. As under this Bill they want to restrict the activities of the people of British India and as they have already assumed the responsibility of protecting the rights of the subjects of those States, because they will not allow them to do so themselves, the Government are bound to see that the administration of a State is carried on in just and proper lines. It behoves the Government of India while we pass this Bill to be ever mindful of these duties. They

[Diwan Bahadur Harbilas Sarda.]

should be vigilant to look, not only to the rights of the princes as heads of the States, but also to the rights of the people of those States, and I want to remind the Government of their great responsibility while we pass this Bill.

**Sirdar Harbans Singh Brar** (East Punjab: Sikh): I hope the eloquence of Mr. Mody will have its natural results when the Textile Bill comes up for discussion. We have been discussing this measure at some length for providing protection for the Administrations of States in India. No doubt the Government as in duty bound have offered to give protection when it was asked for or was found necessary, but then Government have also undertaken the duty of safeguarding the rights and liberties of the subjects of the Indian States as well, and as Paramountcy is for ever Paramount, and, as it is the duty of the Paramount Power to protect both the States and their subjects, I hope that now that such a drastic measure is being carried through to provide protection to the rulers of the States, the Government would also bring in peace and prosperity to the subjects of these States. I feel that Mr. Glancy whose tact and sweetness brought calm and peace during the most troublous days in the State of Kashmir will spare no efforts on his part to bring the princes to realise that in the prosperity of their subjects is their strength, that in their contentment will be their security and in their gratitude their reward. The princes must be brought to realise that the goodwill and contentment of their subjects is as much the duty of the princes as it is the duty of the Paramount Power to protect the rights and privileges and the position of the princes. The rights which the princes claim are no doubt justified, but every right has a corresponding obligation and a duty to discharge. They should not feel content that their concern is only to stop the newspapers from printing any details of the happenings in the States and to keeping a few British officers pleased, but that they should feel that in the long run it is much more advantageous and much more glorious to discharge the duties which they owe to those who depend on them. The defect lies in the system of education provided for the princes. The British Government have rightly understood their responsibility regarding the education of the princes when Lord Curzon said:

"We desire to raise up a vigorous and intelligent race of young men who will be in touch with modern progress but not out of touch with old traditions, who will be liberally educated in sympathy with their own families and people, who will be manly, not effeminate, strong minded but not strong willed, acknowledging a duty to others instead of a law unto themselves, and will be fit to do something in the world instead of settling down into fops or spendthrifts or drones."

But what has been happening during the last few years? The records of the Political Department and the India Office will show how many depositions have taken place and how many interventions had to be resorted to. This shows that the system of education for the princes has not proved a success, and something is desired radically by way of overhauling and remodelling that system of education for the princes which will bring them to realise that their concern and the concern of the people is one and the same, that it is of mutual benefit to look to the interests of each other.

**An Honourable Member:** What about justice in the States? What about security of Service?

**Sirdar Harbans Singh Bjar:** I will refer to both these subjects. I have said before and I say it again that, so far as my own personal experience is concerned, I absolutely found no reason to say that the judiciary is not independent. I have no special reasons to support any particular prince. My 18 months of judicial position has clearly showed me in the State with which I was connected that there was no interference in the administration of justice and that the officers of this Department were at liberty to dispense free and unrettered justice within their boundaries. There is no doubt that cases do occur in some States in which persons are sent to prison without causes shown or without a regular trial, but does that not happen in British India? Do not the Government in British India detain people for indeterminate periods when the interests of the country so demand. Similarly, when the rulers of the Indian States find that certain people within their borders are creating mischief and trouble and endangering the very existence of the State, then they resort to methods which other Governments and the Paramount Power itself resort to. It is unfortunate that it should be so, but these are the ways of the world, we have to put up with them, as these are the methods of all civilized Governments today.

No doubt, Sir, a lot of money is spent on the personal expenses of the rulers in some States, but not in all States, but every year we find that progress is being made. It is our desire and it is our wish that that progress should be speedy, that it should be more advanced and that it should come about with a higher speed, but that can only be done if the Government of India in the Political Department do their best in fulfilling their duty to protect the States, so that they can rely on the States in their turn to discharge their obligations on the other side. I think that the best way to speed up the rights and the privileges of the Indian States subjects is for the Paramount Power to do what, after consideration and deliberation, it considers necessary in the discharge of their obligations towards the princes, and then to exercise its influence and good offices in bringing the princes to realise what they ought to do for the subjects of their States, and I think they are bound to succeed, and that is the only way by which we will be able to bring about that happy consummation, to the enduring benefit, both of the princes and their subjects.

Apart from stopping agitation against the States, there are one or two things which the Political Department may take note of. It is generally felt that the right sort of people are not employed on the personal staffs of the princes. I can say that apart from ministers, the personal staff of the ruler of a State is the most important factor. Those are the people who mould the life and the character of the young prince from his childhood until he grows up to assume the responsibility of guiding the destinies of his people: and if the right sort of people, people of character and integrity and of liberal education and common sense and sound judgment and traditions are employed, so that they may always tell the prince what his duties towards himself, towards his State and towards his people are, then the princes will be brought up in a healthy atmosphere (Hear, hear); but nowadays we do not find that. We find uneducated young lads are employed on the personal staff, and it is these people who remain with the prince from morning till evening and mould his life and his character. I think the Political Department would do well to use its influence and its good offices with the princes, so that they

[Sudai Habans Singh Biar.]

may pay proper attention to their personal staff, even perhaps more than to their administrative officials, because the personal staff, to my mind, has a much larger share in moulding the prince's life and character and the administration in an even the prime minister or the other ministers of the State. There is one other aspect to which I would like to refer. The *Times of London* sometime ago said

We have emancipated these pale and ineffectual pigeons of royalty from the ordinary fate that waits on an Oriental despotism. This advantage (of securing able and vigorous princes through rebellion) we have taken away from the inhabitants of the State of India still governed by Native Princes. It has been well said that we give the Prince power without responsibility. Our hand of iron maintains them on the throne, despite their imbecility, their vices, and their crimes. The result is in most of the States a chaotic anarchy under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the Court. The heavy and arbitrary taxes levied on the miserable rayats serve only to feed the meanest and the most degraded of mankind. The theory seems, in fact, admitted that the Government is not for the people but the people for the King, and that so long as we secure the King his sincere royalty we discharge all the duty that we as sovereigns of India owe to his subjects who are virtually ours.

From this, Mr. Deputy President, it is clear that as the British Government have provided such security and contentment to the princes, they should make the princes realise what they owe to their subjects, so that the British intervention may be lessened and lessened, and less and less chances may be given to the Paramount Power to intervene in the administration of Indian States. I do not necessarily mean that the Indian States should adopt representative institutions, because I have a great faith in the personal rule of individuals provided they are good. Benevolent autocracy is the system that prevails in the Indian States, where the subjects have the right to approach the highest in the land, and, perhaps, that system is the best. (Hear, hear.) In British India, the conditions are different. Here the subjects have not the right to approach the highest in the land and seek redress. Here, as some I.C.S. official on the arrival of Lord Irwin when he resumed the Viceroyalty of India, told him when Lord Irwin asked him, who carries on our government in India, he said, only two people, one is the village *patwar* and the second the *munshi* at the *thana*, because, whatever these persons will write will be upheld. (Hear, hear.) So, those being the conditions in British India, an autocratic form is not suited to us. We cannot seek redress directly, but the conditions are different in Indian States. There subsists there a parental inspiration in the rulers of most of the States, and it has often happened that even over the heads of ministers and prime ministers, the subjects have secured direct and swift redress of grievances, and if the Administrator finds that the grievances are genuine, he passes immediate orders orally or in writing. And that, Sir, is a great benefit that is a great benefit and I think these subjects would very much like to keep it and would not put with it. But what do we find here? We find that matters are constantly 'under consideration', sometimes they drag on for years and years and the man concerned is dead before he gets his redress! So it is not necessarily that this system of ours is good in all places and under all circumstances. Under the circumstances in which we are at present placed, certainly democracy and responsible self-government is the only solution for our ills, but where the other system of benevolent autocracy prevails under which it does appear that there are

many boons and benefits accruing to the subjects, that system necessarily must prove of the highest benefit to them if only the right type of education and moulding of the prince's character is adopted. With these few words, Mr Deputy President, I would request that the Government, since they have received the co-operation of this House in carrying through this legislation for protecting the princes, will use their good offices and their influence to do something so that conditions in the States may be happier and brighter.

**Mr Muhammad Yamin Khan** (Agra Division Muhammadan Rural)

4 P.M. Sir, the clauses, as they were amended by the Select Committee, have been passed by this House for which the Select Committee deserve to be congratulated. They have taken away all the objectionable matter from the Bill which it contained previously. The third reading of a Bill is not the occasion to cover the same ground which has already been covered, but a few observations are necessary to be made when this Bill is becoming law.

Although the Government have given protection to the princes and this House has given its support to the Government in giving that protection, this House does not want the Government to realise that it is in any way lacking in giving its support to the subjects of those Indian States. The House wants that the legitimate grievances of the people living in the States should also be upheld by the Government when such a contingency may arise. If this Bill, when it becomes law is administered in such a manner that the people with legitimate grievances are not allowed to ventilate them or bring them to the notice of the Government then this Bill will not serve its purpose. What I would like the Government to do is that all scurrilous attacks on the princes or on their administrations should be stopped as in the past those attacks have done a great deal of harm which has been mentioned by the Honourable the Political Secretary. To stop all these evils, this law I think, will be quite sufficient. At the same time one feels very sorry for the people in the States when one receives a big pamphlet containing lots of grievances which remain unredressed. When this Bill was being considered by this House a pamphlet was circulated amongst the Members of this House which I took to be a mere propaganda. I did not care even to look at it lest my mind became biased. Still, I would not like the Political Secretary to ignore those grievances if he finds that there is some truth in them. We do not want to interfere with the Administrations of the Indian States nor do we want to take the part of the people of the Indian States in order to create more disturbances. But at the same time we would like that the Government of the day which is the Suzerain Power—and it is no use quibbling words on that—should look into their grievances. If this Government is putting a particular prince in his place, it is the duty of the Government also to protect the people over whose head that prince is being kept. It grieves one to learn that when a prince dies and his son succeeds him he turns out all the officials of his father's time. Not only the officials are turned out but they are tortured they are sent to prison and nobody is allowed to speak a word on their behalf. If such a thing is true I think it should never be tolerated by the Government and I think it should be the duty of Government to interfere in such cases at least. I found in one pamphlet which probably has reached the Honourable the Political Secretary and also the Honourable the Home Member that a certain gentleman holding a very



[Mr. Muhammad Yamin Khan.]

high position in a State during the time of the last ruler had been thrown into the prison by the son after he had come to the *Gadi*, simply because he agitated to a certain extent for some kind of reforms in the administration and he also objected to the wholesale dismissal of the servants of his father's time. This gentleman held the position of a Colonel, but was given very bad food while he was in the jail. The doctor prescribed that he should not be allowed to live on that kind of food and he prescribed a little better diet. Of course, I cannot vouch for the accuracy of these facts, and I do not know if the facsimile which was sent to me was the true facsimile of the handwriting of the prince. But the Political Secretary should not ignore this fact if he finds that it is true that the order was in the handwriting of the prince himself saying that the doctor had no business to prescribe the diet which he did without consulting him. He ordered that the man should be kept on the same diet which had been prescribed before for him and that he must be given the food which is given to an ordinary prisoner in the jail. If these facts are true, then the Political Department should interfere and bring the bad administration of this State to book.

There were many other grievances mentioned in the same pamphlet, but I do not want to waste the time of the House by mentioning all of them. As has been suggested by my friend, Sirdar Harbans Singh Brar, I think it is due to the fault mostly of the associates of the prince and not the prince himself. Some times these princes have over-zealous A. D. C.'s who are uneducated and they spoil these princes. It ought to be the duty of the Government to see that properly educated people of high position are appointed as A. D. C.'s and not any riff-rafs that may be picked up. One day they may be Captains, the second day Majors and probably the third day Lieut.-Colonels. It is not right to degrade the position of these military ranks which are held with great esteem by the people in British India. In British India a man cannot be made a Captain unless he has served in the regiment for at least seven or eight years, and a Major will probably take about 14 or 15 years' time. Now, Sir, these A. D. C.'s are the persons who are the real cause of bringing about a bad name to the prince who is probably an innocent man. He generally gets wrong advice and wrong information from these A. D. C.'s.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): Why not appoint an Honourable Member of the Legislative Assembly as an A. D. C. to these princes?

**Mr. Muhammad Yamin Khan:** If my Honourable friend desires to become the A. D. C. of any prince, I shall give him a good recommendation, and I hope the Political Secretary will take note of his desire.

**Major Nawab Ahmad Nawaz Khan:** Then I will guarantee a model State.

**Mr. Muhammad Yamin Khan:** These kinds of action of A. D. C.'s not only reflect on the credit of the princes, but also on the credit of the Paramount Power because people will say that the Paramount Power is keeping an unworthy man as an A. D. C. without taking notice of it. At least when we the representatives of the people in British India come

to the help of Government, we must as responsible persons see that the responsibility which devolves on Government is properly discharged. When the Indian princes desire our help, we must see that they are doing justice to their subjects. Nobody is entitled to have equity if he does not show equity to others. So, if the princes are good towards their people they will be liked by their people and they will be admired by the people in British India.

I do not agree that Mr. Mody should have come up at this stage to oppose this Bill. If he had any grievances to ventilate, he should have come up on previous occasions. I do not like this discordant note at this late hour from an Honourable Member who did not want to give his advice at the beginning. He has been keeping quiet all along, and now he comes at this late stage with his criticisms. I submit this is not the proper occasion. I do not want to go into the question of what he said, but I submit, by doings like this we are doing no good.

Let the Bill be passed in good spirit, let the minority accept the views of the majority, let us show to the princes that we are always ready to do anything which they legitimately want, at the same time we expect them to treat their subjects properly. If they treat their subjects properly, then they will have our support in suppressing the scurrilous attacks against them in the press. We shall support their administration if it is run properly. I am not a great admirer of democracy being placed in the hands of people who are not fit to take up the responsibility. Democracy is undoubtedly the birthright of the people, and everybody has got the right to speak his mind. I, who have been brought up from my infancy according to our religious tenets, must say that as a Mussalman, I am a democrat. A Mussalman can never be anything but a democrat. Democracy is inculcated in his mind from the very beginning. At the same time, I know that to shoulder the responsibility of democracy one must be fit and he must be trained to have that democracy. At present the subjects of Indian States are not properly trained to shoulder this responsibility. We are seeing that democracy is coming slowly, but surely British India people in British India, are beginning to learn how to exercise their rights and the powers which are given to them. For this spirit of democracy to come, it has taken nearly half a century, and though democracy has been introduced slowly in British India during the last half a century, yet it has not taken us to the point at which we want to have full rights. Some of my Honourable friends might say that this House sometimes does not exercise its rights properly. Very well, if that is the condition, that is the greatest illustration that can be given to anybody as proof of not shouldering its responsibility and not being fit for full responsible Government yet. I have had 20 years experience in local self-government and I have found that even the best educated people are not fit for full responsibility, because I find that nobody is ready to act as a soldier, everybody wants to be a general. Unless that strict discipline comes, it will lead us nowhere further and, even after a further lapse of 50 years we will be standing in the same place. If that is so, I do not see how we can demand anything better than this in the Indian States where this system has not been introduced at all. It will be introduced gradually, it will develop and then ripen. With these words, I support the motion for passing this Bill into law.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatani: Non-Muhammad-an Rural): Mr. Deputy President, we have been having all the talk and the Honourable the Home Member is having the measure. If there is a measure which is quite uncalled for, it is this. It is quite useless and certainly and admittedly uncalled for by the princes. It is cruel to the people whom they govern and it is grossly provocative to us whom it is the privilege of the Government to govern or misgovern in this country.

**The Honourable Sir Brojendra Mitter:** If the Honourable Member expects us to hear him, he should kindly raise his voice.

**Mr. B. Sitaramaraju:** Sir, I was saying that if there was a measure which is quite useless to the princes and certainly uncalled for by them and which is cruel to the subjects whom they rule and grossly provocative to us whom it was your privilege to govern or misgovern, it is this measure. Sir, when we are called to protect these princes or their administrations, one would think, are these princes infants or lunatics to be protected from us? From whom? From a nation which is absolutely disarmed, and, with all humility, I venture to say, a nation, which, I hope, my Honourable friends will excuse me when I say, a nation of women. But I do maintain, Sir, that these princes are neither lunatics nor infants. But they are merely the victims of a system, no doubt very humiliating to them and distressing to us, and the people whom they administer.

**The Honourable Sir Brojendra Mitter:** May I interrupt my Honourable friend for one second? I will read one sentence from Holland's Jurisprudence:

"The tones of semi-sovereignty and protection present considerable analogies to those of infancy, coverture and tutelage in Private law."

**Mr. B. Sitaramaraju:** I am sure I can accept the opinion of the Law Member on this occasion though I shall presently show that his earlier opinion was not quite accurate.

However, Sir, these princes, if I may borrow an illustration from the *Mahabharata*, are, just like *Shikhandis* under the protecting powers of the mighty bowman, the Paramount Power. Sir, I do not venture to define what exactly is this Paramount Power. Honourable gentlemen are aware that the Butler Committee said they could not define it. They also admitted that there were others before them who never were able to define it. Sir, what is this Paramount Power which they themselves do not know except by repeating that the Paramount Power is Paramount? To me it appears to be something like the divinity, omniscient, omnipotent and omnipresent. So far as history records, it had no beginning, and, according to the Butler Committee, it had no end. Therefore, it has fulfilled all the attributes of the Godhead. To give a very common illustration, it is something like electrical energy. Nobody knows what electricity is, but they feel the shock of it. The Paramount Power is something like this electricity and the Indian Princes feel the shock of it, but they do not know what it really is.

Sir, a great deal has been said about the treaties and obligations which the Government of India now and the future Government of this country hereafter His Majesty's Government elsewhere, have got to discharge. I would like to point out at this stage that so far as I can gather, the relationship whatever origin it had in the beginning was something

like a sort of feudalism exercised by the Paramount Power over the States, a feudalism of the type which persons who have read of the middle ages are well aware of. Sir, it is today intended to perpetrate that barbarous relic of a bygone age called feudalism, in this country. I am sorry, the Raja Bahadur is not here, but I would like only to take note of two or three important historical landmarks from which we can appreciate the position of the Indian States in the present situation. I do so, because, as I will presently show, the object of this legislation, I venture to submit, is to create and construct an insuperable barrier, in fact a very Chinese wall, between the Indian States and ourselves. I will presently develop that and why I object to the whole measure. But before I do so, it is necessary for me to refer to two or three historical landmarks from which it will be clear to Honourable Members who are the people who are mainly responsible for the present position of the Indian States.

It is no use saying that all the Indian States are bad; I will show that they are the result of historical accident. Take the very first period of their history, 1757 to 1813, known as the period of alliance. In those days, the East India Company was not very popular. It had been acquiring properties after properties; it had the *diwan* from the Mughals, but throughout all that time it was living in a ring fence and avoided all intercourse beyond its territories except for purposes of offensive and defensive alliances. Next came the period of subordinate isolation, the period from 1813 to 1857. The subordinate isolation policy of the Government of that time was known as the Hastings policy. It was dictated by a desire to preserve and promote the growth of the Company's territories in this country. Notwithstanding the profession of British politicians of non-intervention in the affairs of the Indian States which they preached, but which the logic of hard facts had always contradicted, the Company's Government dominated the administration of the States. The treaty of Udaipur is an instance in point. Under this policy, for the first time, Hastings brought into existence 145 States in Kathiawar, 145 States elsewhere and 20 States in a third place,—altogether about 310 States were, for the first time, brought into existence by Hastings.

A great deal has been said by the Raja Bahadur about Lord Dalhousie but I will invite your attention, Sir, to a passage from Lord Dalhousie's writings. Lord Dalhousie was of opinion that this policy of Hastings had been wrong in propping up petty chiefs and he said that the only way of preventing misrule in those territories was to annex them. He evolved the theory,—and I call him the father of this feudalism in India of this type,—of constructive feudalism and he was also the Governor General who enunciated that doctrine of lapse and escheat, through which he annexed Satara, Nagpur, Tanjore, Jaipur and Jhansi. And the earliest instance of annexation of a State for misrule was the case of Oudh. This dual policy of annexation and subsidiary alliances have been largely responsible for the dependent state of the Indian States from which they have never emerged.

The system of subsidiary alliances proved very disastrous to the Indian rule in the States. The case of Oudh did not stand alone. There were others equally bad, for instance, Hyderabad, Gwalior, Indore, Baroda, Travancore, Cochin and Mysore. These Courts became the theatres of most degraded debauchery and horrible misgovernment. As was stated,

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all incentive to good government and all checks to arbitrary rule disappeared. Wellington says:

"The subsidiary system had paralysed the native ruler and made him dependent entirely upon British support."

As was pointed out by that great newspaper, the *Times* of England in 1858:

Britain's iron hand maintained the Princes on the throne despite their imbecility, their vices and their crimes. The result is in most of the States a chronic anarchy under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the court."

The result was seething discontent among the people. Conditions were so ripe for revolt, and the revolt of 1857 was the result; and it is a historical fact that the revolt was suppressed with the help of the Indian Princes themselves as their existence was also at stake. So much for the position of the States which came in contact with the East India Company, who were the Government of India at the time. Subsequent to 1857, when the Crown had stepped into the shoes of the East India Company, Lord Canning, in the year 1860, stated as follows:

"The last vestiges of the Royal House at Delhi from which we had long been content to accept a vicarious authority, have been swept away. The Crown of England stands forth the unquestioned ruler and paramount in all India and is brought face to face with its feudatories and that there was the reality of the sovereignty of England which never existed before and which was eagerly acknowledged by the chiefs. The territories under the sovereignty of the Crown became at once an important and integral part of India as territories under its direct dominion. Together they form our care and the political system the Moghuls had not completed and the Mahrattas had never contemplated is now an established fact of history."

Then began the rule of the Crown in earnest. To make matters definite about the feudal subordination, they issued *sanads* of adoption about which we heard this morning from the Raja Bahadur. Before granting these *sanads*, Lord Canning had made it clear that they would not debar the Government of India from stepping in to set right such serious abuses in a Native Government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State where there will be sufficient reason to do so. The feudalism which they had started and which they had tried to perfect, happily for them, was found possible to be perfected in all its details when Bahadur Shah, the last Emperor of Delhi, died. When Bahadur Shah died in 1856, the Queen assumed the title of Kaiser-i-Hind and adumbrated the theory of succession to the Mughal throne, and, thereafter, we find that a regular system of feudal laws have been propounded and rules have been framed by which the relations between the Paramount Power and the States have been governed. To give you a few instances of the nature of that relationship, —I think it is necessary for me to say that because I do not agree with the Law Member, in the remark he made this morning quoting an authority, that these are Protected States—I venture to submit that they are not Protected States known to International Law, because on the first occasion, when we were discussing this Bill, I quoted authority from International Law to show that a Protected State must necessarily have internal sovereignty which these people do not possess, and my Honourable friend, the Law

Member when he quoted that there was a possibility of a second category of Protected Princes from the author of a book on jurisprudence, did not lay the stress which I would have liked upon the last two sentences of the quotation where he said the author believed that the Indian States would fall under that category. But the Indian States do not fall under that because, whatever might have been the relations at the time, they entered into the treaties and alliances, by usage and by subsequent conduct between the parties a new relationship had been established between the Paramount Power and these States, that it is absurd to call them either Protected Powers with any powers of internal sovereignty, or States which have any right to call themselves sovereign powers. It is very rightly pointed out in this Bill that they are mere administrations: they have no right to call themselves Governments, because, whom do they govern? They govern nobody, except perhaps their own temper. Therefore, it is necessary that the relationship which is now existing between the Paramount Power and the States should be understood:

(1) The States have no foreign relations or trade relations except with the consent of the Government of India.

(2) The States cannot employ any servants who are Europeans without their consent.

(3) Their trade relations also are with permission and consent.

(4) The rights of foreigners in their territories are secured by the Paramount Power.

(5) All foreign interests, including extradition, are only secured through the British Government.

(6) No States subjects can go either for travel or for study or for business without a British passport.

(7) The rulers of States cannot accept even titles of honour from foreign princes.

(8) Inter-dealings of States, even on a mere boundary question, cannot be amicably settled by themselves without the intervention of the British Government.

(9) Then comes another class of feudal rights that is matters relating to succession, regency, wardships, adoption and service with arms, which are the ways in which a feudal lord exercises his rights over his feudatories, these are exercised by this Paramount Power.

(10) The British Government asserted and exercised the right of deposing princes and forcing them to abdicate whenever they thought that the interests of the State required it

(11) Again, whether treaty or no treaty with the Paramount Power, it had always reserved the right to depose these princes from their thrones if they are guilty of gross misrule, disloyalty or breach of any State relations.

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(12) They have also secured the right to entertain directly petitions from the subjects of the States.

(13) The Paramount Power had also put in a claim that they have a right to have a direct allegiance from the States subjects themselves.

(14) They also secured the right to nominate, and, where they did not nominate, to approve the appointments of Diwans of these States . . . .

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is left?

**Mr. B. Sitaramaraju:** You will see. Lastly the Government openly asserted the right to intervene in the internal affairs of a State and have claimed to be the sole judges of the extent, nature and time of such intervention. They are the accusers, they are again the judges; they alone have the right to accuse and they are the sole judges, not only of the time, but of the extent of their intervention.

After all this, it is absurd to suggest that these princes have got either internal sovereignty or external sovereignty. But whatever may be the precise status, I would like to say one thing: their well-being is as much our concern as our own well-being. Geographically, both Indias are a unit. Economically, it is a unit; and politically it is our desire that British and Indian India should be a unit. The States are part and parcel of our cultural unity also; and, having with them so much oneness, it is nothing extraordinary that every Indian patriot should feel that they should be one with us politically. From an economic, social, religious and political point of view, we and they are one, and it is our earnest desire that we should be one with them. A great son of my part of the country, Mr. Chintamani, presiding over the States Conference in 1929, said:

"A federated India owing allegiance to a strong responsible Central Government truly representative of the States and the princes is the dearly cherished aspiration of every Indian patriot."

Sir, almost in the same strain His Highness the Maharaja of Alwar said:

"My goal is United States of India where every province, every State, working its own destiny, in accordance with its own environment, its traditions, history and religion, will combine together for higher and Imperial purposes, each subordinating its little quota of knowledge and experience, in a labour of love freely given for a noble and higher cause."

What is then that prevents the realisation of that hope, dreamt by Alwar, aspired by Chintamani? Why is it that Mr Chintamani dreamt of or His Highness the Maharaja of Alwar so ardently desired, why that unity has not been made possible to come into existence? It is, because, ever since there was the question of constitutional advance to British India, the question of separation of the States from us was engaging the attention of the British politicians. They conceived the necessity of building this Chinese Wall between us and the States in their interests, and today this legislation is a step in that direction. The policy of separation was first conceived in 1917 along with that memorable Declaration which promised us constitutional advance to the realisation of

dominion status as a respectable partner and as an integral part in the British Commonwealth. The first step in 1917 was taken to separate us from the States, and that step was this. Those States which were under the Provincial Governments were transferred from the provincial control directly to the Central Government. Why did they do so? It was, because, in 1917, they knew that they could not long delay the grant of provincial autonomy, and they did not like that the Provincial Governments or Indian representatives should have any control over the Indian States, and, therefore, in 1917, the transfer of the control of the States from Provincial Governments to the Central Government was effected. The next step was, that, as a result of the present constitutional discussions, when they found that it was almost inevitable that the Central Responsibility must be handed over to British Indians one day or other, they conceived the idea of separating them by taking them from the Governor-General-in-Council to the Viceroy alone. It was said that it was for the good of the States. The Butler Committee frightened the Indian princes into the belief that on the Paramount Power alone the States could rely for their preservation, for generations to come,—not only now, but for all time to come, that unless,—they told them,—you depend upon us, you are gone, you are finished. The States were warned that if the Paramount Power were pushed aside, destruction and annexation would be the lot of these princes. The States were asked, with this threat before them, to choose. I can very well understand the princes feeling that they are between the devil and the deep sea. They knew that if they agreed to be with us, ultimately there would be an end to their autocratic rule. If they did not, if they remained under direct control, greater powers would be exercised by the Political Department which they were anxious to get rid of. They had to choose between the two. It must be said to their credit at any rate that they were willing to be with us, but the terms and conditions under which they agreed to be with us were such that they wanted ultimately to be the masters of the situation. The British Government saw in that declaration of the princes immense possibilities they had in the situation. They evolved forthwith the theory of direct relationship with the States. But Honourable Members of this House are well aware of the fact that these treaties, wherever they existed, these agreements, wherever they existed, they existed with whom? They were entered into with the East India Company. The East India Company was the Government of India, and, therefore, the treaties and agreements which the States entered into were with the Government of India. Therefore, what justification have they to introduce this new relationship by which they say that they have got a contractual basis by which the Crown has the power to have direct relationship with the States. Neither the want of legal basis nor an adverse verdict of history prevented them from advancing the sophisticated argument to justify the doctrine of direct relationship with the Crown on a supposed contractual relationship which never existed between them and the Crown. Whatever treaties or agreements there were, were with the East India Company, but the Crown was never in the picture. It is absurd to suggest that there was any contract between the Crown of England and the States in these matters. But assuming for a moment that the Crown, under these treaties, had a right, and assuming also that India would be given dominion status, where is the justification to separate the States and deprive their relationship with the future Government of India? India, under full responsible Government or dominion status, would be even more truly His Majesty the



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King's Government than it is today, because, according to the Report of the Inter-Imperial Relations Committee of 1926, known as the Balfour Report, His Majesty governs a dominion, and if India attains that state, it will be a Government carried on by His Majesty with or on the advice of an Indian Ministry. It will be more truly His Majesty's Government than the present Government is. That Report states, the Agent of the Crown in a dominion is not the Governor General, but the Prime Minister, and he is the channel of communication for all practical purposes, and the Governor General is the nominal constitutional head without administrative duties or functions. Sir, the experiment of combining constitutional and administrative functions in one person has proved to be a failure; what is then the real object? The real object is very plain. The British Government do not want that we should be one with the Indian States. They want to hitch the car of States permanently to the British chariot, make the Political Department all British and all powerful. Such an unholy alliance between the Indian States and the British Government is not conducive either to the interests of the States or to the success of parliamentary Government in this country. The object, then, is that they want to create in this country by a legislation of this kind a situation very much like the one that happened in Ireland some time ago. In other words, they want to create in India these Indian States as an Indian Ulster. Sir, such a position will never be accepted by us. It may be that we are powerless against the Government now, but it is not with our consent that we will allow the Indian States to be made an Indian Ulster.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I remember very well years ago when I was a student, I read the famous words of Mr. Parnell which were inscribed in letters of gold on his statue. I repeat those words. He said:

"No man has a right to fix a boundary to the progress of a nation, no man has a right to say 'Thou shalt go so far and no farther', and no man never shall."

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Right at the outset I shall refer to a personal criticism, aspersion, scandal, libel in which Mr. Puri indulged. Alike for the sake of journalistic integrity and legal "Purity", I rise to say that this Bill is necessary.

I had, publicly on the floor of this House and semi-publicly in the lobby in the presence of Honourable Members, challenged Mr. Puri to be present in this House to hear my reply. The Associated Press had wired out my challenge as I saw from the newspapers. Mr. Puri must have read them yesterday in Lahore if his Party had not taken up my sporting offer and sent him a telegram day before yesterday that I asked them to send. He insinuated that I was bought over by the Kashmir Government and that was why I did not publish my book criticising their administration. Sir, Mr. Puri, as *the emissary* of the Kashmir Government, wanted to buy me over and stop the publication of my book. A telephonic message came to me, because his private conversation was not so successful, to go to Lahore. A Rolls Royce was waiting there and a lorry for the luggage. Mr. Puri went without myself; I was here in Delhi. And, then, what happened? He communicated his failure to buy me over, and he returned in

a rickety car—Kashmir no longer wanted him. (Laughter.) The emissary did not succeed in his mission, and probably thinking that I had communicated this information to the Political Department, in a moment of panic, the biting of a guilty conscience, he misread an honest speech delivered in clear English and had the audacity to say on the floor of this House that I gave information to the Political Secretary. Probably, it was not audacity, it was panic, it was fear. Sir, especially when anybody reads the speech of somebody else, he must never read it with a guilty conscience for he reads meanings into it which nobody else can see. That is how I explain Mr. Puri's speech. Because I did not agree with him, because, as one born in an Indian State, brought up in an Indian State, amidst traditions of admiration and loyalty to an Indian ruler, I stand upon the floor of this House and support this Bill, another man, with no such traditions, who sat behind me for a whole year, stands up and bites me with a malicious tongue, hiding his malice and biding his time. You all know why the book was not published. I have stated that I received a warning from the Government. I was not willing to go to jail. I was not willing to have the press forfeited and its security also gone. It was a decent newspaper, and here is a cad using the privilege of this House, stabbing me in an untruthful manner . . .

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Chair thinks "cad" is an unparliamentary word when used with reference to a colleague. The Chair hopes the Honourable Member will withdraw it.

**Mr. C. S. Ranga Iyer**: "Cad" may be an unparliamentary word I substitute it by "bad". It is awfully bad, and awfully mad, and awfully mischievous, and awfully malicious and unprofessional for Mr. Puri to attack my profession and then outside play the role of an emissary of a State, hiding his personal grievance and biding his time. I hope this Bill will be passed. This Bill is necessary to protect the poor journalists and their honour. The Bill is necessary to protect lawyers from going beyond their profession and indulging in unprofessional conduct and mentioning untruthful things. It is a pity that this Bill had not come into existence earlier.

Lastly, because we should not prolong this debate, my Honourable friend, Mr. Raju, made a heroic effort to justify his opposition to this Bill. He thought that the Government were creating an Indian Ulster. That was used to be said by Mr. Muhammad Ali, and very rightly,—the late lamented Maulana Muhammad Ali, a brilliant journalist,—in his beautiful articles in the *Comrade* that the Government were giving British India Swaraj in the course of time, but they were going to keep these States in primitive, mediaeval despotism. so that there might be a big Indian Ulster. That can no longer be said now.

**Mr. N. M. Joshi**: Why?

**Mr. C. S. Ranga Iyer**: The Federation is in sight. Princes and politicians,—princes from Indian India and politicians from British India, the representatives of the princes and the representatives of the politicians will have the opportunity of rubbing shoulders as good friends. Ulster stands out of Ireland. The Princes' India and British India are going to be united into one homogeneous mass of unity going to be welded

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into one united whole, and, that being the case, I welcome this Bill as the foundation of the greatness of India, and that foundation has to be laid truly and broadly by a House like this, because this House is fortunately the last Assembly so far as I am concerned . . . .

**An Honourable Member:** Why?

**Another Honourable Member:** No, no

**Mr. C. S. Ranga Iyer:** . . . the last Assembly so far as I am concerned, which will prepare for India's greatness by its sensible, and sagacious, and critical, and what I may describe as admirably impartial, attitude on matters of fundamental and momentous importance. Sir, I am glad that this Bill is being passed. It is no menace to honest citizens in British India who do not want to create trouble in Indian States. It cannot attack the gentlemen in the press who can continue to ventilate their grievances in regard to the Indian States with the same vigour with which they ventilate their grievances against British administration in India. This Bill will give short shrift to people who either fan the communal flame in an Indian State or plan the overthrow of the rule established in that Indian State by law.

**Maulvi Muhammad Shafee Daoodi:** By law?

**Mr. C. S. Ranga Iyer:** My Honourable friend, Maulvi Muhammad Shafee Daoodi, cheerfully asks, by law? Well, we have the 5 P. M. reign of law in India. We may have a ruin of *firmans* in the States, a shower, but *human* is law. But we look forward to the day, as Mr. Jishi pointed out today, when every Indian State will also have a constitutional ruler, and, in order to enable them to have that constitutional rule as pointed out by Sir Tej Bahadur Sapru in his beautiful memorandum on the White Paper, in order to bring about responsible government in the Indian States, we ought to prevent mischief in British India, prevent it from flowing into the Indian States, for as the late Deshbandhu C. R. Das, with his poetic idealism, used to say "Freedom must come from within". Freedom has come from within in British India. Freedom without British Indian interference must come from within in the Indian States, for freedom is a flower which blooms from within. (Applause.)

**Mr. K. C. Neogy:** Sir, the first portion of my Honourable friend, Mr. Ranga Iyer's speech would have been more appropriately delivered on the 5th of this month, that is last Thursday. You, Sir, will remember that when Mr. Puri was making his speech, it was hardly possible for him to get on even for one minute at a time without being interrupted by Mr. Ranga Iyer, and there were innumerable personal explanations and interjections which made it almost impossible for Mr. Puri to get on with his speech. It was because of your interference that Mr. Puri was enabled to make his speech, and Mr. Ranga Iyer never made any mention of the charges that he has levelled at Mr. Puri today in the course of his interruptions and his personal explanations on that occasion. Under your ruling that day, Mr. Ranga Iyer could have spoken immediately after

Mr. Puri had finished his speech and made these statements by way of a personal explanation. Even that opportunity . . . .

(Mr. C. S. Ranga Iyer rose to interrupt.)

I am not going to give way. I do not think my Honourable friends behind me would expect me to show that courtesy to Mr. Ranga Iyer. Not having done that, my Honourable friend refreshes his memory, takes all these days to recapitulate those incidents that happened . . . .

**Mr. C. S. Ranga Iyer:** I mentioned them in the Honourable Member's presence.

**Mr. K. C. Neogy:** The Honourable Member did nothing of the kind. The Honourable Member made some angry ejaculations which I could not follow.

**Mr. C. S. Ranga Iyer:** I put this in the presence of the Honourable Member.

**Mr. K. C. Neogy:** Nothing of the kind, I say.

**Mr. C. S. Ranga Iyer:** Ask Mr. Muazzam Sahib

**Mr. K. C. Neogy:** My Honourable friend has made a complaint of the fact that Mr. Puri is not present today. He knew it perfectly well that Mr. Puri was leaving for Lahore, and, with that knowledge, he waited till today to make this additional statement.

**Mr. C. S. Ranga Iyer:** I did not know that Mr. Puri would fly away.

**Mr. K. C. Neogy:** Mr. Puri has written to me that it was within the knowledge of Mr. Ranga Iyer that he was to leave

**Mr. C. S. Ranga Iyer:** It was not within my knowledge

**Mr. K. C. Neogy:** I got into communication with Mr. Puri on the 9th of this month, that is, on Monday last. Mr. Ranga Iyer made the charge that Mr. Puri had made an unsuccessful attempt to corrupt the incorruptible Mr. Ranga Iyer. Now, I have Mr. Puri's written authority to say that the statement that he has made is a gross perversion of truth. Mr. Puri is at the present moment engaged in a very important case, and it is not possible for him to be present here, for which he wants me to express his regret to the House and to you, Sir

Now, the position was this. Raja Hari Kishen Kaul, who was at that time the Prime Minister of the Kashmir State, had asked Mr. Puri casually if he knew Mr. Ranga Iyer well, and, on being told that as a colleague in the Assembly he was acquainted with Mr. Ranga Iyer, Raja Hari Kishen Kaul wanted to know as to whether Mr. Puri could speak to Mr. Ranga Iyer and ask him to show reason and to explain to him the mischief that he was committing at a very critical moment of the Kashmir administration by his vituperative attacks in the editorial columns

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of the *Daily Herald* and also by the continued publication of an advertisement from day to day in that paper, in very prominent types, threatening to publish a book in which the whole administrative misdeeds of Kashmir would be exposed. Raja Hari Kishen Kaul particularly wanted Mr. Puri to point out to Mr. Ranga Iyer that it was not right and proper on the part of a Hindu journalist to embarrass a Hindu State at such a critical time, and, in deference to the wishes of the Raja Sahib, Mr. Puri spoke to Mr. Ranga Iyer and tried to impress upon him the great harm that writings of that kind and that threatening advertisement were doing. Mr. Ranga Iyer in reply said—I am quoting from Mr. Bhagat Ram Puri's own statement—that he understood his own position better and that if the Kashmir Durbar wanted him not to issue the book, he would expect the Kashmir State to pay him at least Rs. 30,000 by way of compensation for the loss to which he would be put by not issuing such a book.

**Mr. C. S. Ranga Iyer:** It is absolutely false.

**Mr. K. C. Neogy:** Mr. Puri says that he was taken aback at this attitude of Mr. Ranga Iyer and told him that he did not expect this attitude, and that, under the circumstances, he would have nothing further to do in the matter. He duly informed the Raja Sahib about his conversation, and this is how he concludes:

"Neither the Raja Sahib ever asked me to approach Mr. Ranga Iyer with an offer of Rs. 5,000, nor did I ever make any offer of any sum of money to Mr. Ranga Iyer as alleged by him. On the contrary, it was Mr. Ranga Iyer who tried to secure Rs. 30,000 out of the Kashmir State."

**Mr. C. S. Ranga Iyer:** Absolutely false.

**Mr. K. C. Neogy:** My Honourable friend has tried to explain as to why the book was not published, and he said he got an intimidating kind of letter from Government. I should like my friend to read out that letter from the Government. I have a very shrewd suspicion that the letter had nothing to do with the threatened publication of a book, but perhaps it had, if anything, to do only with the writings in which he was indulging in the *Daily Herald*. Now, Sir, my Honourable friend, even if we are to take him at his word, has yet to explain one thing—why is it that my Honourable friend's hatred towards Kashmir turned into affection—affection to which expression was given by him in this House in September last. That is a fact which my Honourable friend has not yet cared to explain.

**Mr. C. S. Ranga Iyer:** As my Honourable friend has invited me to explain, I shall do so. I am not going into the personal part of it. Mr. Puri has made a statement through his Leader. I have made a statement. Sir Rufus Isaacs, the Attorney General in the House of Commons, was attacked both inside the House and in the Press in connection with the Marconi scandal and he wanted the House to appoint a committee to go into his conduct. There are two statements before the House. I invite this House to appoint a committee and to go into this affair and to find out the conduct of Mr. Puri in this matter and my own conduct,

and if I am found guilty of having touched Kashmir money, as is said I did, by way of insinuation, I shall pass the rest of my life in jail. If Mr. Puri is found guilty of having played the role of an emissary of the Kashmir Government and offered me Rs. 5,000 which I never mentioned at all in this House—and where Mr. Neogy got it from he will have to say. There was a private conversation and he said he never heard it . . .

**Mr. K. C. Neogy:** The Honourable Member mentioned it the other day to many . . . . .

**Mr. C. S. Ranga Iyer:** I mentioned it the other day not in this House, to my recollection, but in a conversation with you and Mr. Puri. Do you deny that?

**Mr. K. C. Neogy:** Everybody in this House knows the Honourable member's allegation.

**Mr. C. S. Ranga Iyer:** I mentioned it in the presence of Mr. Puri in the lobby, and there are Honourable Members who have heard it, at least one Honourable Member, I know, and such being my challenge, let Mr. Puri accept it. He will have to suspend his practice, that is all, if he is found guilty of having played the role of an emissary in approaching me to take money on his behalf. A poor journalist like myself is willing to go to jail for the rest of his life if it is proved that I wanted to touch that money? That is my offer. Sir, if anything, nothing more of a personal explanation is necessary, Mr. Puri could have been present here. He is taking shelter under his Leader, because he has a guilty conscience in the matter.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): Sir, is a committee going to be appointed?

**Mr. K. C. Neogy:** Sir, I would like that the Honourable the Political Secretary should make an inquiry from Raja Hari Kishen Kaul as to whether, with reference to the statement that I have read out, Mr. Puri was requested by Raja Hari Kishen Kaul to approach Mr. Ranga Iyer—whether that part of the statement is or is not borne out by him. As for the suggestion that a committee of enquiry should be appointed to go into this question, I do not think that is supported by parliamentary precedent of any kind; but, perhaps, the better course would be for my Honourable friend to take recourse to legal action,—and I have no doubt that Mr. Puri will be prepared to give him that opportunity by repeating this statement outside the privilege of this House; and my Honourable friend is not in fact unfamiliar with Courts of law in such matters, because, we know that on a famous occasion he filed a similar suit for libel against a very famous man.

**Mr. C. S. Ranga Iyer:** I am willing to give an opportunity to Mr. Puri if I think this House will not appoint a committee, which I have a right to ask for. I probably may give an opportunity to Mr. Puri if my legal advisers so think, for I am not a very rich man to spend money in a Court of law. If Mr. Puri or Mr. Neogy will get Rs. 10,000 for me to fight my legal case, then I am quite willing to go to Court (Laughter), but, as a falsehood was uttered under the cover of the privilege of this House, I have a right to ask this House to go into committee and examine the conduct of us both, and I shall abide by the verdict of that body.

**Mr. S. C. Mitra:** Sir, there are only forty-five minutes left for us to close this debate, so I do not want in any way to take up the time of the House, but I should like to make my own position clear,—namely, that I am opposed to every single clause of this Bill; I am opposed to the principle of this Bill and to every clause of it, knowing full well that I cannot carry the House with me. Sir, now there will be an unanimity on this side of the House about the rejection of this Bill since Government have not seen their way to accepting the very reasonable amendments about the deletion of clauses 3 and 5 and even the amendment on the Explanation in clause 3.

Sir, if I had any feeling for these Indian States, it is a feeling of pity for these poor creatures! The Government of India are responsible for their education, for their upbringing, for their rule, and, to a very great degree, for the character of their administration also. Sir, as soon as an Indian prince is born, if he is unfortunate enough not to have his parents living, Government appoint a regency; Government become responsible for his education,—and we know the kind of education that they receive in these Princes' Colleges and other places. It, subsequently, they are found not properly to rule their States, it is certainly not they who are responsible, but it is mostly, I think, the Government of India who are responsible. Here I want one explanation from the Government. If we are asked not to criticise the Administrations of Indian States, certainly the Government of India should see that these princes do not criticise the attitude of the Indian people—as we know they have so often done. It is within our own knowledge that some of these statements were printed by the Indian States Protection Association, concerning our attitude during the non-co-operation and boycott movement days. Now, if they would like to be free from any criticism from our side, the Government of India should also see that there should be no criticism on the part of these princes and their Administrations against anything that happens in British India.

**Mr. S. G. Jog** (Berar Representative): They never do it—they never dare do it?

**Mr. S. C. Mitra:** I cannot take your word as gospel truth, because, I know, there are printed documents wherein they have advised the Government of India as regards the government in British India—during the non-co-operation and boycott of British goods days, and, in connection with many other important movements in India.

**Mr. S. G. Jog:** Probably the Government of India sought their opinion.

**Mr. S. C. Mitra:** My friend says—“Probably the Government of India sought their opinion”. In that case I would ask the Government not to send for their opinion in these matters, if they do not want us to criticise them, and especially when the Government of India are even penalising bare statements of facts, if they in any way cause or excite or tend to cause or excite hatred or contempt against those Administrations. Sir, we cannot successfully oppose this motion here. Sir, it is the curse of this nation that any number of traitors may be found everywhere in India to support Government even on these most reactionary measures. Sir, I oppose this motion. |

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I have not participated so far in the debate on this Bill because, in the first place, there are more competent men to deal with it and secondly, I am not interested in the affairs of the Indian States. Sir, personally, I am against restricting the liberties of the press. The only forum where the grievances of the subjects of Indian States can be ventilated is the press in British India. Many States have not got any newspapers nor have they got Legislative Councils to discuss the financial and political conditions of those States. Sir, it is said that the States in South India are very much advanced and that the subjects of these States need not fear the effects of this legislation. Even in Travancore, I remember the occasion during the minority of the present Ruler, when thousands of acres of forest lands were proposed to be leased out to one big English Company of tea growers. It was entirely on account of the agitation carried on in newspapers that that idea was given up. The subjects of the State raised a hue and cry against leasing out perpetually thousands and thousands of acres of valuable forest lands to a foreign company for a nominal amount. Sir, we find that the Government often send their own servants as Diwans to these Indian States, sometimes deliberately to carry out certain policy in the administration of those States. I remember when the construction of the Shorannur-Cochin Railway was over and the question of working the State Railway came up for consideration, it was a British Indian Official who was in charge of the State. It was said he was deliberately sent there to lease the railway on which the Cochin Darbar had spent about a crore of rupees to the S. I. R. administration. Such instances are occurring everywhere. Sir, this Bill will be on the Statute-book within a few days and I only desire that the Government should think twice before they implement this Act in regard to those States where the services of I. C. S. officers and others of their own service have been requisitioned as Diwans, or where, in other words, the Government of India are practically in charge of the administration. I hope the occasion will not arise for it. Sir, it will then be obvious that it is with the deliberate intention of restricting the rights of those States and gagging criticism of the conditions of those States that this Bill was designed and not as professed for protecting the administration of the Indian States. I oppose this motion.

**Maulvi Muhammad Shafie Daoodi:** Sir, the incidents which have been disclosed in the course of the debates on this Bill have supplied us with some genesis about the origin of this Bill. I was till of late absolutely unaware as to what led to the idea of having a Bill of this sort enacted in this House, as all the troubles in the Indian States were now over, nothing is agitating the mind of the people at the present moment, still we find that provisions of such a drastic nature are being incorporated in this Bill. It is not right, Sir, to snatch away the liberty of the whole population of British India for the sake of such malicious intentions on the part of a few people or a few pressmen or a few men who want to extort money from the rulers of the Indian States. So far as my own knowledge goes the agitations which have been so far started against the Indian States have been very well founded. That is to say, those who started the agitation were really justified in taking that course, otherwise they would have remained emasculated in these days of the 20th century. However I do not think it is right on the part of the Government to enact a measure of this kind on the basis of such meagre



[Maulvi Muhammad Shafee Daoodi.]

facts. Sir, the Honourable the Home Member has definitely denied that there was no demand made for a measure like this on behalf of the princes themselves. It is absolutely right, because I believe that they would not like the interference of British Indians in their affairs in the way in which they would now do after the Bill has been passed into law. Now, it was easy for them to see that their subjects are kept under control without any intervention by the British Government. I have already said that no provision incorporated in this Bill seems to be justified, so far as the merits of the case are concerned. They are encroaching on the rights of the British subjects, and that is the reason why I have been so vehemently trying to oppose all the provisions of this Bill, and I will do my duty by recording my protest even at this last stage.

**Sir Abdur Rahim** (Calcutta and Suburbs, Muhammadan Urban): Sir, I just wish to say one word, and that is this. We have decided on this side of the House to challenge the entire Bill at the third reading. We tried to accommodate the Government as far as possible. Although, as the Government know, there is a very strong feeling as regards this measure, we tried to meet the Government half way and we consented to the retention of at least two of the important provisions of this Bill regarding conspiracies to subvert the administration of an Indian State and the formation of assemblies for the purpose of raiding an Indian State. The Honourable the Home Member himself appreciated the attitude which we in the Select Committee took in this matter. But, Sir, it is not merely the question of the appreciation of our attitude. On the other hand, the Government have failed fully to realise that we were going very far indeed in order to accommodate them over this measure. But they want us to go the whole hog. They want the last drop of blood. They cannot understand co-operation unless we submit to their dictation pure and simple. Sir, we have tried our best to convince the Government not only how strong public opinion is against this measure, but we have tried also to convince the Government that the provisions which we object to, if deleted, would not in any way harm or frustrate the object that the Government have in view. We even suggested certain modifications in order to improve some of the clauses as they stand. Even that they rejected. Even the drafting points that we raised—and I think we gave very good reasons in favour of those points—they did not listen to. Under those circumstances, no option is left to us but to oppose the entire Bill.

**The Honourable Sir Harry Haig:** Sir, I am surprised that my Honourable friend, the Leader of the Opposition, should have spoken with some heat about the attitude of Government in the Select Committee and since we have not failed to recognise the reasonable spirit in which the Opposition have approached this measure. But, Sir, while we respect their convictions, we do expect that they will also respect our convictions, and when there is a conflict between our convictions—and there is—in spite of our reluctance, we must differ. So far as my recollection goes, in the Select Committee the discussions were carried on in a spirit conciliatory on both sides. Both sides, I freely admit, made concessions wherever they could make concessions without doing violence to their convictions, but a point comes on both sides when it is not possible to make concessions any further, and when that point came, it was necessary for us to differ. I venture to submit that there is no reason why that should give rise to any feelings of heat.

Now, Sir, my Honourable friend, Mr. Mody, made a breezy attack upon the Government position this afternoon, and I suppose we should be thankful for that as it is a very hot afternoon. But I find it a little difficult to grapple with his position. "The wind bloweth where it listeth". He made a number of general and sweeping statements about the misgovernment in Indian States and he drew certain comprehensive presumptions. In fact, he painted the whole picture with a bold black brush. Well, Sir, I am not sure whether the Honourable Member was present at an earlier stage of our debates when my Honourable friend, the Political Secretary, took some pains to deal with general allegations of that kind and he showed us that in fact the Administrations of the Indian States, taken as a whole, had many admirable features, even though they might differ from the administration of British India, and that in many respects they could bear comparison with conditions in British India. I do not think it is necessary for me to try and repeat the picture already drawn by my Honourable friend, the Political Secretary, but I do think, Sir, that that is a full answer to what appeared to me to be the rather theoretical accusations, at any rate, the general accusations of my Honourable friend, Mr. Mody. I noticed that Mr. Mody took a very light view of attacks, malicious and malevolent attacks on Indian States. He took two lines of argument: first, that they would apparently not be made, no one wished to make such attacks, on well administered States, and, in the second place, if such attacks were made on well administered States, that would do no harm. That, I understood, was his general position which he illustrated by a reference to a Southern Indian State. The House will recollect that my Honourable friend, the Raja of Kollengode, from his own personal experience, informed us that in certain Southern Indian States which are admittedly well administered, the administrations were being very seriously embarrassed by these malicious attacks from outside the States and that they felt strongly on the subject. I think, Sir, that the experience of my Honourable friend, the Raja of Kollengode, is worth more than the imagination of my Honourable friend, Mr. Mody.

Several Honourable Members have raised the point that while this Bill gives a very important measure of protection to the States administrations, there is an obligation on the Government of India to see that that measure of protection is not abused. That is a position that we have always throughout these debates accepted. My Honourable friend, Mr. Glancy, made that clear in his speech, and, in one of my previous speeches, I said that the Paramount Power has a special responsibility to see that a reasonable standard of good Government is maintained in the Indian States. That responsibility is fully recognised, and, if occasion arises, it is exercised. I cannot, Sir, in a matter of general statement go beyond that. Let us close this long debate on a note of hope, as I believe we reasonably may. In the future, as I see it, British India and the India of the States will each have their contribution to make to the common good. We are endeavouring to evolve a new India. It will not be a mere copy of other countries which have different traditions and a different culture. It will be we hope distinctively Indian. That hope will not be realised if we discard all old traditions, all old institutions and turn for our models solely to the West. We live in an era of change and development. The old ideas are questioned; they have to submit to

[Sir Harry Haig.]

scrutiny. But I am enough of a conservative to believe that the institutions of the past represent elements of truth and reality. They may have to adapt themselves to changing conditions, indeed all institutions must do so, if they are to remain living forces. But no greater mistake can be made than to try and destroy a living institution. That is the political faith of us, British people, and it has guided us through many a time of difficulty and danger. In thinking of the States, Sir, I would ask the House not to fail to recognise the distinctive traditional virtues of the system of personal administration, where that system is, as it normally is, carried out in accordance with its own true principles. This Bill says the administration of the States must be protected. They are entitled to be guarded against subversive attacks from beyond their borders. It is not only an obligation we owe to them. It is an obligation we owe to the peace of India as a whole, the peace of British India as well as of the States, and, as such, I commend it with confidence to the acceptance of this House. (Cheers.)

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill, as amended, be passed."

The Assembly divided:

AYES—57

Abdul Aziz, Khan Bahadur Mian,  
Ahmad Nawaz Khan, Major Nawab.  
Allah Raksh Khan Tiwana, Khan  
Bahadur Malik.  
Anklesaria, Mr. N. N.  
Anwar-ul-Azim, Mr. Muhammad.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Chatarji, Mr. J. M.  
Cox, Mr. A. R.  
Dalal, Dr. R. D.  
Darwin, Mr. J. H.  
DeSouza, Dr. F. X.  
Dillon, Mr. W.  
Fazal Haq Piracha, Khan Sahib  
Shaikh.  
Ghuznavi, Mr. A. H.  
Glancy, Mr. B. J.  
Graham, Sir Lancelot.  
Grantham, Mr. S. G.  
Haig, The Honourable Sir Harry.  
Harbans Singh Brar, Sirdar.  
Hardy, Mr. G. S.  
Hezlett, Mr. J.  
Hudson, Sir Leslie.  
Irwin, Mr. C. J.  
Ismail Ali Khan, Kunwar Hajee.  
Ismail Khan, Haji Chaudhury  
Muhammad.  
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur  
Sardar Sir.  
Lindsay, Sir Darcy.  
Macmillan, Mr. A. M.  
Mitter, The Honourable Sir Brojendra.  
Morgan, Mr. G.  
Mujumdar, Sardar G. N.  
Mukharji, Mr. D. N.  
Mukherjee, Rai Bahadur S. C.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Rafuddin Ahmad, Khan Bahadur  
Manlvi.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Ranga Iyer, Mr. C. S.  
Rastogi, Mr. Badri Lal.  
Rau, Mr. P. R.  
Sarda, Diwan Bahadur Harbilas.  
Sarma, Mr. G. K. S.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir  
George.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Sloan, Mr. T.  
Suhrawardy, Sir Abdulla-al-Māmūn.  
Tottenham, Mr. G. R. F.  
Varma, Mr. S. P.

## NOES—28.

Abdul Matin Chaudhury, Mr.	Mitra, Mr. S. C.
Abdur Rahim, Sir.	Mouy, Mr. H. P.
Azhar Ali, Mr. Muhammad.	Murtuza Saheb Bahadur, Maulvi
Bhuput Sing, Mr.	Sayyid.
Das, Mr. B.	Neogy, Mr. K. C.
Dutt, Mr. Amar Nath.	Patil, Rao Bahadur B. L.
Gunjal, Mr. N. R.	Reddi, Mr. P. G.
Jadhav, Mr. B. V.	Reddi, Mr. T. N. Ramakrishna.
Jehangir, Sir Cowasji.	Sen, Mr. S. C.
Jog, Mr. S. G.	Shafee Daoodi, Maulvi Muhammad.
Joshi, Mr. N. M.	Sitaramaraju, Mr. B.
Lahiri Chaudhury, Mr. D. K.	Thampan, Mr. K. P.
Lalchand Navalrai, Mr.	Uppi Saheb Bahadur, Mr.
Liladhar Chaudhury, Seth.	Ziauddin Ahmad, Dr.
Maswood Ahmad, Mr. M.	

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th April, 1934.